



# *The Village of Biscayne Park*

640 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

**AGENDA**  
**REGULAR COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, August 4, 2015 at 7:00pm**

 Indicates back up documents are provided.

**1 Call to Order**

**2 Roll Call**

**3 Pledge of Allegiance**

**4 Presentations**

-  4.a Miami Dade County Fire Rescue Department Annual Report - Fire Chief Dave Downey

**5 Additions, Deletions or Withdrawals to the Agenda**

*At this time, any member of the Village Commission or the Village Manager may request to add, change, or delete items from the agenda.*

**6 Public Comments Related to Agenda Items / Good & Welfare**

*Comments from the public relating to topics that are on the agenda, or other general topics.*

**7 Information / Updates**

-  7.a FY 2014-15 Monthly Financials ending 06/30/2015

**8 Consent Agenda**

*Items listed under Consent Agenda are viewed to be routine, and the recommendation will be enacted by ONE MOTION in the form listed below. If discussion is desired, then the item(s) will be removed from the Consent Agenda and will be considered separately.*

-  8.a Approval of Minutes
- ◆ July 7, 2015 Regular Commission Meeting
  - ◆ July 22, 2015 Special Commission Meeting



- 8.b Acceptance of Board Minutes
- ◆ Recreation Advisory Board - November 25, 2014
  - ◆ Recreation Advisory Board - February 24, 2015
  - ◆ Recreation Advisory Board - June 23, 2015
  - ◆ Parks & Parkway Advisory Board - May 20, 2015
  - ◆ Parks & Parkway Advisory Board - June 17, 2015
  - ◆ Parks & Parkway Advisory Board - July 15, 2015
  - ◆ Code Compliance Board - June 8, 2015
  - ◆ Code Compliance Board - July 13, 2015
  - ◆ Planning & Zoning Board - July 6, 2015
  - ◆ Planning & Zoning Board - July 20, 2015
  - ◆ Public Art Advisory Board - July 8, 2015



8.c **Resolution 2015-40**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT RENEWAL FOR THE TURF AND LANDSCAPE MAINTENANCE JOINT PARTICIPATION AGREEMENT** BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE.

*< End of Consent >*

## 9 Ordinances

### First Reading



9.a **Ordinance 2015-04**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING SECTION 5.3.4 OF THE LAND DEVELOPMENT CODE ENTITLED "OBJECTS IN THE RIGHT-OF-WAY" TO PROVIDE REGULATIONS PERTAINING TO THE SWALE AREA; AMENDING SECTION 5.6 OF THE LAND DEVELOPMENT CODE ENTITLED "OFF-STREET PARKING" TO PROVIDE REGULATIONS PERTAINING TO OFF-STREET PARKING;** PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE



9.b **Ordinance 2015-05**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING SECTION 10.4 OF THE LAND DEVELOPMENT CODE ENTITLED "BUILDING CONSTRUCTION" **TO PROVIDE FOR VARIANCES FOR ROOFS;** PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE

## 10 Resolutions



### 10.a Resolution 2015-41

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **SUPPORTING THE PROPOSED RESOLUTIONS FOR CONSIDERATION BY THE RESOLUTIONS COMMITTEE** BEING PRESENTED AT THE LEAGUE'S 89TH ANNUAL CONFERENCE ON AUGUST 13-15, 2015; PROVIDING FOR AN EFFECTIVE DATE



### 10.b Resolution 2015-42

A RESOLUTION OF THE VILLAGE OF COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ENCOURAGING THE FLORIDA LEGISLATURE TO REMOVE BARRIERS TO CUSTOMER-SITED SOLAR POWER AND EXPRESSING SUPPORT FOR THE FLORIDIANS FOR SOLAR CHOICE BALLOT PETITION;** PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner Watts)*

## 11 Old Business

*These items are generally discussion items that have been previously discussed by the Commission and new information or updates are available by either a member of the Commission or the Administration.*



11.a Discussion of garbage disposal ("tipping") options

## 12 New Business

*These items are generally discussion items that have been requested by members of the Commission or the Administration.*



12.a Fine Reduction Request - 1000 NE 119th Street, Biscayne Park, FL



12.b Fine Reduction Request - 11925-27 NE 12th Court, Biscayne Park, FL



12.c Discussion on submitting the Florida Humanities Grant through the Biscayne Park Foundation - As requested by Commissioner Watts



12.d Discussion on having Holiday House Tours as a fund raising initiative - As requested by Commissioner Watts



12.e Discussion on requiring landscaper registration.



12.f Discussion of 2016 legislative goals.



12.g Discussion of Village Board's relation to the Commission and Staff - Mayor Coviello.

## 13 Request for placement of items on next meeting agenda

*Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.*

## 14 Reports

### 14.a Village Manager

- ◆ Annexation update
- ◆ Village Hall log cabin restoration & annex building update

### 14.b Village Attorney

### 14.c Board / Committee Reports:

- ◆ Biscayne Park Foundation
- ◆ Code Review Board
- ◆ Ecology Board
- ◆ Parks & Parkway Advisory Board
- ◆ Public Art Advisory Board
- ◆ Recreation Advisory Board

### 14.d Commissioner Comments

- ◆ Vice Mayor Anderson
- ◆ Commissioner Jonas
- ◆ Commissioner Ross
- ◆ Commissioner Watts
- ◆ Mayor Coviello

## 15 Announcements

Monday, August 10th - Code Compliance Board at 7:00pm

Tuesday, August 11th - 1st Budget Workshop FY 2015-16 at 6:30pm

Wednesday, August 12th - Public Art Advisory Board at 6:00pm

Saturday, August 15th - Back to School / Children's Safety Day / 1st Annual  
Children's Bike Race starting at 9:00am

Monday, August 17th - Ecology Board at 6:30pm

Monday, August 17th - Planning & Zoning Board at 6:30pm

Tuesday, August 18th - 2nd Budget Workshop FY 2015-16 at 6:30pm

Wednesday, August 19th - Parks & Parkway Advisory Board at 6:00pm

Monday, August 24th - Biscayne Park Foundation at 7:00pm

Tuesday, August 25th - Recreation Advisory Board at 7:00pm

Our next regular Commission meeting is Tuesday, September 1, 2015, at 7:00pm

## 16 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

**DECORUM** - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



**Miami-Dade Fire Rescue Department**

Office of the Fire Chief

9300 N.W. 41st Street

Doral, Florida 33178-2414

T 786-331-5000 F 786-331-5101

[miamidade.gov](http://miamidade.gov)

May 1, 2015

Honorable David Coviello, Mayor  
Village of Biscayne Park  
640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Honorable Mayor Coviello:

In early February, I mailed you Miami-Dade Fire Rescue's (MDFR) annual report summarizing the services provided to the Village of Biscayne Park in 2014. As your Fire Chief, one of my annual goals is to make a presentation to our stakeholders of not only the services provided to the Village and the Department's accomplishments, but also the challenges that lie ahead as well as the major trends impacting the fire service and how MDFR is preparing to better serve the community.

I am committed to strengthening the bond between MDFR and the residents of Biscayne Park by providing ready access to community information, resources and involvement opportunities. I have directed my Public Affairs Bureau to coordinate the dissemination of monthly safety messages to your website or newsletter.

Please contact Maria L. Reyes from my office at 786-331-5253 to schedule the annual presentation with the Village Council, or if you require additional information.

Respectfully,

A handwritten signature in blue ink, appearing to read "D. Downey", is written over a faint, larger version of the signature.

Dave Downey  
Fire Chief

c: Heidi Siegel, Village Manager  
Russell Benford, Deputy Mayor, Miami-Dade County

*Delivering Excellence*

**REPORT FOR VILLAGE OF BISCAYNE PARK**

Calculations as of 06/30/2015

% of Year Completed 75%

<b>DESCRIPTION</b>	<b>2014-15 ORIGINAL BUDGET</b>	<b>2014-15 ACTIVITY THRU 06/30/15</b>	<b>% CHANGE</b>
Ad Valorem Taxes	1331461	1181474	89%
Utility Fees	289962	214321	74%
Charge For Services	145016	188629	130%
Franchise Fees	161283	101322	63%
Grants	21906	17719	81%
Intergovernmental Revenues	291458	251309	86%
Judgements & Fines	41600	41602	100%
Other Income	111695	32862	29%
Transfers In	98730	54244	
<b>TOTAL</b>	<b>2493111</b>	<b>2083482</b>	<b>84%</b>
Village Commission	23718	12724	54%
Administration	206082	142604	69%
Finance	147327	118579	80%
Planning & Zoning	42000	31500	75%
General Government	430781	286028	66%
Police	1081851	702609	65%
Building Department	109256	108618	99%
Code Enforcement	61987	42331	68%
Public Works	187626	126469	67%
Parks and Recreation	167483	110154	66%
Transfer Out	35000		
<b>TOTAL</b>	<b>2493111</b>	<b>1681616</b>	<b>67%</b>
<b>Excess of Revenues Over Expenses</b>	<b>0</b>	<b>401866</b>	



# Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Approval of Minutes

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

## **Background**

The Minutes as listed below are being provided for the Commission's review and approval.

## **Fiscal/Budget Impact**

None.

## **Staff Recommendation**

Approval

## **Attachments**

- July 7, 2015 Regular Commission Meeting
- July 22, 2015 Special Commission Meeting



**MINUTES**  
**REGULAR COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, July 7, 2015 at 7:00pm**

**1 Call to Order**

Village Clerk Maria Camara called the meeting to order at 7:01pm.

**2 Roll Call**

Mayor David Coviello - present  
Vice Mayor Anderson - present  
Commissioner Fred Jonas - present  
Commissioner Roxanna Ross - present  
Commissioner Barbara Watts - present

Present from staff were:

Village Manager Heidi Siegel  
Village Clerk Maria C. Camara  
Village Attorney John Hearn  
Public Services Manager Krishan Manners  
Police Chief Cornelius McKenna  
Finance Manager Claude Charles  
Parks & Recreation Manager Shelecia Bartley  
Assistant Public Works Manager Cesar Hernandez

**3 Pledge of Allegiance**

**4 Presentations**

4.a Chief McKenna introduced new reserve police officers Leslie Llanes and Alejandro Villazan, as well as current officers that were in attendance.

4.b Pablo Llerenas, from the auditing firm of GLSC & Company, PLLC, presented the audit report for the fiscal year ending September 30, 2014.

4.c Jorge Marinoni, Vice President of the Biscayne Park Foundation, stated that \$2,000 has been collected by the Foundation to be used for lighting at the Recreation Center. Looks to have the Village match that amount in order to complete the project.

The Foundation is also in need of one additional member.

Mayor Coviello advised that the \$2,000 match for the lighting project will be considered during the budget conversations.

## **5 Additions, Deletions or Withdrawals to the Agenda**

Manager Siegel pulls item 13.b, Fine Reduction.

Vice Mayor Anderson asks the Manager to include in her report an update on the entry signage and water fountain at the recreation center.

Commissioner Jonas asks to move item 13.a, discussion of tipping options, earlier in the meeting.

Parks & Recreation Manager Bartley introduces the two new employees, Natacha Sageesse and Rafael Gutierrez. Bark of July was well attended, and a Lego Club will be starting on August 1st.

## **6 Public Comments Related to Agenda Items / Good & Welfare**

Chester Morris: Concerned that it is after 7pm and WastePro is still doing their collection. The Rotary Club has a flag program and the money collected from the program goes towards worthy causes. Thanks the Manager for the tour of the log cabin, and for working on getting the Comcast lines down. On the budget, don't spend what you don't have. As a board member of the North Shore Medical Center, willing to bring any Village needs to them for their consideration.

Rosemary Wais: Provided an update on the upcoming Children's Safety Day and 1st Annual Bike Race taking place on August 15th. Thanks those that have volunteered or made a donation. The event is designed and planned for the kids, for their safety and education. Flyers available on all events planned for that day.

Virginia Halpin: Need to do something about the Church and events taking place there. Music very loud. Had to call police three times. Also have to look at the circus tent. Parking signs are always displayed. Third time in recent weeks they have had an event. Shouldn't they be fined for noise violations.

Marie Smith: When WastePro comes down Griffing at 7am, the traffic gets more chaotic and it piles up. Consider using the police to control the traffic, or have Waste Pro come in the afternoon.

Manager Siegel: Will visit the Church with the Police Chief. The Church did not notify the Village of these events. On the tent, if not temporary, will ask for it to be removed.

## 7 Information / Updates

7.a Manager Siegel reviewed key dates on the FY 2015-16 budget calendar that was provided. For next year, would like the Commission to consider scheduling the budget workshops before setting the tentative millage rate.

7.b Finance Manager Charles presented the monthly financials as of May 31st.

7.c David Caserta provided a recap of the 2015 legislative session. Highlight was the award of \$150,000 to the Village for a storm water master plan.

Manager Siegel detailed that the award of the storm water funding was one of the three requests made during the session. The request for a Historic Preservation grant to be used for Phase 4 of the log cabin restoration project; and a request for funding for emergency vehicles was not approved.

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*Item 13.a is moved up.*

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13.a Discussion of garbage disposal ("tipping") options.

Manager Siegel presented the item and provided the background. Introduced Stacey McDuffie from Miami-Dade County Public Works & Waste Management Department, who provided information on utilizing the county dump sites.

Manager Siegel introduced Russell Mackie of Waste Pro, who provided information on Waste Pro's ability to better negotiate with private companies for dump sites. Those savings can be made available to the Village.

Manager Siegel informed the Commission that at the September meeting, the Village needs to either renew our contract with the County, or to amend our Waste Pro contract to include the disposal.

Manager Siegel will provide additional information on the options at the August meeting.

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Mayor Coviello asks Mr. Mackie to speak on the continued waste collection issues.

Mr. Mackie advised that they will look at route scheduling on Griffing and reconfirms his commitment to improve service issues in the near future.

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## 8 Consent Agenda

On the consent agenda:

8.a Approval of Minutes  
June 2, 2015 Regular Commission Meeting

- 8.b Acceptance of Board Minutes
  - Parks & Parkway Advisory Board - January 21, 2015
  - Parks & Parkway Advisory Board - March 18, 2015
  - Recreation Advisory Board - May 26, 2015
  - Planning & Zoning - June 1, 2015
  - Planning & Zoning - June 15, 2015
  - Public Art Advisory Board - June 10, 2015

8.c **Resolution 2015-36**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS **TO EXECUTE THE AMENDMENT TO THE CONTRACT BETWEEN THE VILLAGE OF BISCAYNE PARK AND BEJAR CONSTRUCTION, INC.** FOR THE CONSTRUCTION OF THE PUBLIC SAFETY AND ADMINISTRATION ANNEX EXTENDING THE TERM OF THE CONTRACT FOR A PERIOD OF THIRTY (30) DAYS; PROVIDING FOR AN EFFECTIVE DATE

8.c **Resolution 2015-37**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A LICENSE AND HOLD HARMLESS AGREEMENT FOR THE USE OF THE MEDLEY POLICE FIREARMS TRAINING CENTER;** PROVIDING FOR AN EFFECTIVE DATE

Vice Mayor Anderson makes a motion to approve the consent agenda and it is seconded by Commissioner Ross.

All in favor: Mayor Coviello, Vice Mayor Anderson, Commissioner Jonas, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

**9 Public Hearing**

- 9.a Variance Request - Gary & Jovita Nalepa, 775 NE 113th Street  
Front set back for accessory structure (pool)

Attorney Hearn presented the item and explained the quasi-judicial procedures; and the four criterias the Commission must consider. Petitioners and anyone in the public speaking on the item were sworn in.

Gary Nalepa, petitioner, explained his property is on a corner lot and the need for the variance.

Commissioner Jonas makes a motion to approve the variance and confirms the four required criterias were met. The motion is seconded by Vice Mayor Anderson.

Roll Call vote:

Commissioner Ross: Yes

Commissioner Jonas: Yes

Vice Mayor Anderson: Yes

Commissioner Watts: Yes

Mayor Coviello: Yes

Motion carries: 5/0

**10 Ordinances**

< None >

**11 Resolutions**

**11.a Resolution 2015-38**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK  
**DESIGNATING THE VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES 89TH ANNUAL CONFERENCE TO BE HELD ON AUGUST 13-15, 2015, IN ORLANDO, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

Vice Mayor Anderson makes a motion to select Mayor Coviello as the voting delegate and it is seconded by Commissioner Jonas.

All in favor: Mayor Coviello, Vice Mayor Anderson, Commissioner Jonas, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

**12 Old Business**

**12.a Chapter 5 Proposed Changes**

Attorney Hearn provided a recap of the changes discussed at the last meeting. There was further discussion on certain points in 5.6.8 and 5.3, which Attorney Hearn will review and recommend the best language.

There is consensus to move forward with drafting an ordinance for first reading at the August meeting and to only include the proposed changes that the Commission has reviewed and agreed on.

Manager Siegel will include a summary of the proposed changes in the next Village newsletter, as well as a link on the home page of the Village website.

**12.b Discussion of the Fiscal Year 2015-16 Budget Goals**

Manager Siegel provided a recap of the items discussed at the June meeting.

Commissioner Watts: Looks for money to go towards tree trimming; fertilizer for trees, specifically Australian Pines.

Commissioner Ross: Budget for replacement of aging cars in the fleet.

Vice Mayor Anderson: Have second thoughts on lowering of millage. Concerned with hitting residents with extra fees. Look to maintain storm water drainage improvements and to start repairing roads.

Mayor Coviello: Looks to lowering the millage to 9.50; not cutting services; lighting around the park; landscaping around the park, at medians and entry signs; added Code Compliance staffing.

Commissioner Jonas: Irrational to lower millage. Should go to 10.0 or higher. Many unmet responsibilities.

Manager Siegel: Based on additional feedback, will look to present budget and set the tentative millage rate at 9.70, then work with the Commission to adjust as necessary during the budget workshops.

### **13 New Business**

#### **13.c Commissioner Ross: Discussion on Storm water and Road Repair/Improvements assessment next steps.**

Commissioner Ross provided the background.

Mayor Coviello suggests to schedule a workshop to discuss the process for the Storm water Master Plan process and Commissioner Ross looks to have the engineer participate.

Manager Siegel looks for direction on whether the Commission wants to proceed with current engineer (Craig A. Smith & Associates) previously selected by the Village; or go out to bid.

Attorney clarified that going out to bid may be a requirement of the contract from the State and needs to be checked.

Commissioner Ross looks for consensus to give the Manager direction, after verifying the contract, to move forward with current engineer and schedule a workshop with the engineer in attendance, to take place on a Saturday in September.

Manager Siegel recommends that instead of a workshop that it should be a "Project Kick Off Meeting".

#### **13.d Board Appointments - Recreation Advisory Board / Planning & Zoning Board**

Clerk Camara: Board member applications were received for:

- Max Dietermann and Mario Rumiano as alternates for the Planning & Zoning Board

- Bridgita Pallango as an alternate for the Recreation Advisory Board

Commissioner Watts makes a motion to approve the selection of board members as presented and it is seconded by Commissioner Ross.

All in favor: Mayor Coviello, Vice Mayor Anderson, Commissioner Jonas, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

**14 Request for Placement of Items on Next Meeting Agenda**

Commissioner Watts: Solar energy initiative; Florida Humanities Council; Holiday House tours as a fund raising initiative.

Commissioner Watts congratulates Shelecia on Bark of July event and looks to have another dog-friendly event in November. Also looks to schedule a workshop with residents to discuss events and how to utilize the park.

**15 Reports**

15.a Village Manager:

Announced the resignations of two police officers and hiring of one new officer from Reserves.

Provided status on Community Signage project and working on getting quotes for concrete base.

Working with County to look for solutions for Griffing Blvd issues and the perception of speeding.

Confirms that even though there was a recent article about the FEC and Governor Scott's veto, the funding for all quiet zones in Miami Dade County are secured.

In regards to having a workshop on what residents are looking for at the park, looking to put in funding in the budget for a parks master plan. Will also schedule a roundtable meeting with parents for their input on programming for children as well as discuss the use of the grounds. Will be speaking to the Recreation Advisory Board on this.

Confirms that CITT funding has been approved for and is being utilized for on-going drain cleaning.

Tree-trimming is currently taking place throughout the Village.

Outside water fountain at the Recreation Center was recently repaired, but broke again. Will look to fully replace and will budget accordingly.

On annexation process, waiting for it to be scheduled at the September meeting of the County Commission.

Log cabin restoration continues. Log specialists will be working on it this week and foundation installation to begin at the same time.

Annex building also continues with floor installation and interior painting to begin next week. Looking at end of July for completion.

Men's restroom in the Recreation Center also progressing.

15.b Village Attorney:

From the legislative session, new public record laws introduced. Will work with the Clerk on all new regulations.

Asks for and gets consensus from the Commission to draft an ordinance to allow for a variance on roofing materials, and to bring back for first reading at the August meeting.

15.c Board / Committee Reports:

< None >

**16 Announcements**

Wednesday, July 8th - Public Art Advisory Board at 6:00pm  
Monday, July 13th - Code Compliance Board at 7:00pm  
Monday, July 13th - Biscayne Park Foundation at 7:00pm  
Wednesday, July 15th - Parks & Parkway Advisory Board at 6:00pm  
Monday, July 20th - Planning & Zoning Board at 6:30pm  
Monday, July 20th - Ecology Board at 6:30pm  
Wednesday, July 22nd - Special Commission Meeting at 6:30pm  
Tuesday, July 28th - Recreation Advisory Board at 7:00pm

The next regular commission meeting is Tuesday, August 4, 2015, at 7:00pm.

**16 Adjournment**

The meeting was adjourned at 10:00pm.

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Commission approved on \_\_\_\_\_.

Attest:

\_\_\_\_\_  
David Coviello, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



**MINUTES  
SPECIAL COMMISSION MEETING  
Ed Burke Recreation Center - 11400 NE 9th Court  
Biscayne Park, FL 33161  
Wednesday, July 22, 2015 at 6:30pm**

**1 Call to Order**

Mayor David Coviello called the meeting to order at 6:30pm.

**2 Roll Call**

Mayor David Coviello - present  
Vice Mayor Fred Jonas - present  
Commissioner Bob Anderson - present  
Commissioner Roxanna Ross - present  
Commissioner Barbara Watts - present

Present from staff were:

Village Manager Heidi Siegel  
Village Clerk Heidi Siegel  
Attorney Andrew Dunkiel  
Public Services Manager Krishan Manners  
Finance Manager Claude Charles  
Parks & Recreation Manager Shelecia Bartley  
Assistant Public Works Manager Cesar Hernandez

**3 Pledge of Allegiance**

**4 Presentations**

**5 Public Comments Related to Agenda Items / Good & Welfare**

Barbara Kuhl: In support of the 9.70 millage rate, as well as the Parks & Parkway Advisory Board.

Chuck Ross: Also in support of the 9.70 millage rate. Would also support higher for capital expenditures that are needed. Looks for Village to do a Village wide tree assessment.

**6 Additions, Deletions or Withdrawals to the Agenda**

Vice Mayor Anderson asks for a discussion on opening up the current loan to borrow additional money.

**7 Information / Updates**

**8 Resolutions**

**8.a Resolution 2015-39**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **ESTABLISHING A TENTATIVE MILLAGE RATE OF 9.7000 FOR FISCAL YEAR 2015-16**, ESTABLISHING THE CURRENT YEAR ROLLED-BACK RATE TO BE 8.7468 AND ESTABLISHING THE FIRST AND THE SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE VILLAGE CLERK AND FINANCE MANAGER TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; ESTABLISHING THE TIME AND LOCATION OF THE FIRST AND SECOND PUBLIC HEARINGS; PROVIDING FOR AN EFFECTIVE DATE

Attorney Dunkiel read the title and explained the process for setting the tentative millage rate, the roll back rate, and the schedule for the two public hearings.

Manager Siegel provided a summary of the proposed budget set at 9.70 and highlighted the increase in property values over last year, the items/projects included in the budget as well as those items that were not included.

Commissioner Jonas: We are a unique Village with needs that we are not meeting. Why would we not set at 10.0. Will not support anything less than 10.0.

Vice Mayor Anderson: In support of 9.70.

Commissioner Watts: In support of 9.70.

Commissioner Ross: Disappointed in the list of things we cannot do. Mostly not giving raises to all staff, the support needed for the last part of the annexation process. Not ready to go to 10.0, but would like to go to 9.80 in this initial stage as it would be \$15,000 more.

Mayor Coviello: A ground breaking year. Not the year to lower, but do not see need to increase to do all the things that are needed. Not a symbolic direction we want to go in. Would like to keep at 9.70 and during budget workshops, look for way to get merit increases in.

Vice Mayor Anderson makes a motion to approve Resolution 2015-39 as presented setting the tentative millage rate at 9.70. The motion is seconded by Commissioner Watts.

Manager Siegel and Attorney Dunkiel ask for a super majority vote in order to insure we are meeting the requirements set by both the Department of Revenue and Florida State Statutes.

The motion is called to a vote:

Vice Mayor Anderson: Yes

Commissioner Jonas: No

Commissioner Ross: No

Commissioner Watts: Yes

Mayor Coviello: Yes

Motion fails the super majority requirement: 3/2

Commissioner Ross makes a motion to approve Resolution 2015-39 setting the tentative millage rate at 9.80.

The motion fails for lack of a second.

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*Mayor Coviello calls a recess at 7:10pm*

*Meeting resumes at 7:23pm*

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During the recess Manager Siegel, Attorney Dunkiel and Finance Manager Charles reviewed the form used to determine the voting requirement which states that based on a tentative millage rate of 9.70, only a majority vote was required.

Commissioner Ross makes a motion to approve Resolution 2015-39 setting the tentative millage rate at 9.80.

The motion fails for lack of a second.

Commissioner Watts makes a motion to approve Resolution 2015-39 as presented setting the tentative millage rate at 9.70. The motion is seconded by Vice Mayor Anderson.

The motion is called to a vote:

Vice Mayor Anderson: Yes

Commissioner Jonas: No

Commissioner Ross: No

Commissioner Watts: Yes

Mayor Coviello: Yes

Motion carries: 3/2

Commissioner Ross asks the Attorney for his opinion.

Attorney Dunkiel cited Florida Statute 200.065. At the end of the day, the Department of Revenue enforces this section, and the online form used to enter the tentative millage rate indicates that only a majority vote is required, therefore we are in accordance.

**9 Old Business**

**10 New Business**

Commission Anderson: Discussion on re-opening the loan to borrow additional money to cover the shortfall for phase 4 of the log cabin restoration project.

There is consensus to have the Manager research further and provide the information during the budget workshops.

**11 Reports**

**12 Announcements**

Tuesday, July 28th - Recreation Advisory Board at 7:00pm

The next regular commission meeting is Tuesday, August, 2015, at 7:00pm.

**13 Adjournment**

The meeting was adjourned at 7:31pm.

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Commission approved on \_\_\_\_\_.

Attest:

\_\_\_\_\_  
David Coviello, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



# Village of Biscayne Park

## Commission Agenda Report

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Acceptance of Board Minutes

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

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### Background

The Board Minutes as listed below are being provided for the Commission's review and acceptance. If the minutes provided have not yet been approved by the Board, they are noted as DRAFT.

**Staff Recommendation:** Acceptance at Consent

### Attachments

- Recreation Advisory Board - November 25, 2014
- Recreation Advisory Board - February 24, 2015
- Recreation Advisory Board - June 23, 2015
- Parks & Parkway Advisory Board - May 20, 2015
- Parks & Parkway Advisory Board - June 17, 2015
- Parks & Parkway Advisory Board - July 15, 2015 DRAFT
- Code Compliance Board - June 8, 2015 DRAFT
- Code Compliance Board - July 13, 2015 DRAFT
- Planning & Zoning Board - July 6, 2015
- Planning & Zoning Board - July 20, 2015 DRAFT
- Public Art Advisory Board - July 8, 2015 DRAFT



*The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

RECREATION  
ADVISORY BOARD

Dan Samaria  
Chairman

Ivette Cordero  
Elizabeth Goldman  
Noah Jacobs  
Dan Rodriguez

Alternate

Rosemary Wais

**MINUTES  
RECREATION ADVISORY BOARD  
Ed Burke Recreation Center, 11400 NE 9<sup>th</sup> Ct., Biscayne Park, FL  
Tuesday, November 25, 2014 at 7:00PM**

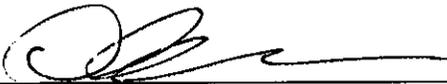
The meeting of the Recreation Advisory Board was called to order at 7:00pm.

Present were board members Dan Samaria, Noah Jacobs, Liz Goldman and Rosemary Wais.

The meeting was concluded at 8:30pm.

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Minutes approved on 2/28/15

  
\_\_\_\_\_  
Dan Samaria, Chair



**RECREATION  
ADVISORY  
BOARD**

Dan Samaria  
Chairman

Ivette Corredero  
Liz Goldman  
Noah Jacobs  
Dan Rodriguez

Alternate

Rosemary Wais

**MINUTES  
RECREATION ADVISORY BOARD  
Ed Burke Recreation Center, 11400 NE 9<sup>th</sup> Ct., Biscayne Park, FL  
Tuesday, February 24, 2015, 2014 at 7:00PM**

The meeting of the Recreation Advisory Board was called to order at 7:00pm.

Present were board members Dan Samaria, Ivette Corredero, Liz Goldman, and Rosemary Wais.

The meeting was concluded at 8:30pm.

---

Minutes approved on \_\_\_\_\_

*2/28/15*

\_\_\_\_\_  
Dan Samaria, Chair



**RECREATION  
ADVISORY BOARD**

**Dan Samaria  
Chairman**

**Ivette Corredero  
Elizabeth Goldman  
Andrew Hahn  
Rosemary Wais**

**MINUTES  
RECREATION ADVISORY BOARD**

**Ed Burke Recreation Center, 11400 NE 9<sup>th</sup> Ct., Biscayne Park, FL  
Tuesday, June 24, 2015 at 7:00PM**

1. CALL TO ORDER- The meeting was called to order at 7:09pm.
2. ROLL CALL –Present were board members Dan Samaria, Andrew Hahn, and Rosemary Wais. Ivette Corredero arrived at 7:31pm. Absent- Elizabeth Goldman. Also present was Parks and Recreation Manager Shelecia Bartley.
3. AGENDA ADDITIONS AND DELETIONS – Deleted 5C and 6A.
4. APPROVAL OF MINUTES –Motion was made by Chairman Samaria, Seconded by Andrew Hahn. All in Favor 3-0 Pending changes were made to Minutes from May 26<sup>th</sup> 2015 Meeting.
5. OLD BUSINESS –
  - a. Chairman Samaria gave the board an update on the 9/11 Event. He informed the staff that he is in the process of trying to find a color guard and bugle call for the event.
  - b. Rosemary Wais gave the board an update on the bike race. Board member Wais has finalized most of the details and presented the board with draft of the banner for the race. Motion was made to deny the two designs that were submitted. Motion made by Dan Samaria, Seconded by Andrew Hahn, all in favor 3-0. Ivette Corredero stated she will change the banner to the original designed that was voted upon.
6. NEW BUSINESS –
  - b. Chairman Samaria provided the board with an update that the Recreation Advisory Board would be from now on hosting the Children's Safety Day Event. A motion was made by Chairman Samaria for the board to moving forward to host the Children's Safety Day event. Seconded by Andrew Hahn. All in Favor 4-0.



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- c. Chairman Samaria inquired about having the RAB advertised on the Comcast Chanel that broadcast the Commission Meetings. Manager Bartley informed Dan Samaria that she did not have the answers at the moment but would direct him to the correct person in charge of the advertisement on Comcast. Topic that was discussed does not involve the recreation board and the information will be passed on to administration.
- d. Discussion about supplies that are needed for the recreation center and the board stated that if the recreation center needs supplies the board would purchase. Rosemary Wais made a motion to designated funds to pay for the ping-pong table supplies. Seconded by Dan Samaria, All in favor 4-0.
- e. Topic that was discussed does not involve the recreation board and the information will be passed on to administration.

7. PUBLIC COMMENT –No Public Comment
8. FUTURE CALENDAR EVENT- Children's Safety Day August 15<sup>th</sup> 2015, 9am-12 Noon
9. FUTURE FUND RAISING- No Future Fund Raising Ideas
10. ANNOUNMCENTS/SCHEDULE OF EVENTS- Next meeting Tuesday July 28<sup>th</sup> 2015 at 7:00pm.
11. ADJORNMENT- Tuesday, June 23<sup>th</sup>, 2015, at 8:10pm

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Minutes approved on

7/28/15   




PARKS &  
PARKWAY  
ADVISORY BOARD

Dan Keys  
Chairman

Barbara Kuhl  
Kimberlee Misek  
Robert Silverman  
Randy Wagoner

**MINUTES**  
**PARKS & PARKWAY ADVISORY BOARD**  
**Ed Burke Recreation Center 11400 NE 9<sup>th</sup> Court**  
**Wednesday, May 20, 2015 at 6:00 PM**

1. CALL TO ORDER AND ROLL CALL – Barbara Kuhl, Robert Silverman and Dan Keys were present; Kimberlee Miseke and Randy Wagoner were absent. Krishan Manners and Cesar Hernandez represented Staff.
2. AGENDA ADDITIONS AND DELETIONS – None
3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM) - Dan Samaria of the Parks and Recreation Board spoke and requested the support of the Parks and Parkways Board for fund raising activities. Discussion suggested that a well-presented proposal that was in accordance with Village policy would be necessary for any fund raising to be successfully accepted by the Commission. Parks and Parkways Board members were supportive of such efforts.
4. APPROVAL OF MINUTES – None.
5. OLD BUSINESS
  1. **General median maintenance** – Routine.
  2. **Tree removal and tree trimming issues** – Work has not commenced.
  3. **Athletic field turf maintenance** – Post and pre-emergent herbicides are being used as well as mole cricket bait. Staff is considering sprigging or sodding bare spots. Fertilization continues.
  4. **Highway Beautification Grant Proposal made for median of NE 6<sup>th</sup> Ave** – Work has not commenced. Staff advised that the irrigation timer dislocated by a traffic accident had been located at the Public Works facility, but the vacuum breaker assembly was gone and were assumed to have been destroyed by said accident and subsequently discarded.
  5. **Sixth Ave. Bridge Grant** – No news.
  6. **Discussion of path forward for design and construction of secondary entrance signage related to grant**



**funding** – Final design and bidding discussions were in process between the Manager and the Landscape Architect.

7. **Tree Fertilization** – Work has not commenced.

8. **Million Orchid Project of Fairchild Garden** – Cesar Hernandez advised that he had learned through attendance at a workshop at Fairchild Tropical Botanic Garden, that June is the best time to install orchids in trees because rain is expected during this month that would help to establish the plants. Barbara Kuhl advised that she and Gary had 12 orchids to donate and Luca of the Ecology board had some phalenopsis. Another resident “Nina” had some plants as well. Barbara advised that she would coordinate collection of donated plants and that she would pick up the “liquid nails” glue and would provide some twine for the installation process.

9. **New proposed swale ordinance** – No discussion.

10. **Discussion of landscaping for new administration building** – Krishan Manners mentioned that no plans had been proposed, but that the final Civil drawing had just been presented to the Village.

7. NEW BUSINESS

A. None

NEXT MEETING DATE – Set for June 17, 2015

ADJOURNMENT – the meeting adjourned at 7:07 PM.

Minutes of May 20, 2015 were approved on \_\_\_\_\_

By: \_\_\_\_\_  
Dan Keys, Chair



PARKS &  
PARKWAY  
ADVISORY BOARD

Dan Keys  
Chairman

Barbara Kuhl  
Kimberlee Misek  
Robert Silverman  
Randy Wagoner

**MINUTES**  
**PARKS & PARKWAY ADVISORY BOARD**  
**Ed Burke Recreation Center 11400 NE 9<sup>th</sup> Court**  
**Wednesday, June 17, 2015 at 6:00 PM**

1. CALL TO ORDER AND ROLL CALL – Barbara Kuhl, Kimberlee Misek and Dan Keys were present; Robert Silverman and Randy Wagoner were absent. Krishan Manners represented Staff.
2. AGENDA ADDITIONS AND DELETIONS – See item 7C.
3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM) – None
4. APPROVAL OF MINUTES – The Minutes of January 21, 2015 and March 18, 2015 were approved unanimously.
5. OLD BUSINESS
  - A. **General median maintenance** – Routine.
  - B. **Tree removal and tree trimming issues** – Work has not commenced. The Board discussed its desire to see that available funding was used to address the more serious tree issues. Krishan advised that his intent was to address safety concerns first and progress to serious clearance issues, structural pruning and appropriate tree removal.
  - C. **Athletic field turf maintenance** – Post and pre-emergent herbicides had been used, but did not appear to have worked. Staff advised that they would be contacting the contractor to move forward.
  - D. **Highway Beautification Grant Proposal made for median of NE 6<sup>th</sup> Ave** – An extension for completion of this project had been approved through December 2015. Dan suggested that the type of palm in this planting could be grown at the Public Works facility, such that replacement palms could be readily available for planting when damage occurs.
  - E. **Sixth Ave. Bridge Grant** – Staff is ready to plant and requested that Mr. Keys mark the location for planting. He advised that he would be glad to do so and requested that he be contacted when staff was going to do the work so that he could assist in laying out the plantings.



He added that marking the ground in advance of the planting was not the best way to accomplish this.

F. **Discussion of path forward for design and construction of secondary entrance signage related to grant funding** – Solar lighting was being investigated. Staff was not yet sure if the budget would provide for this. The necessary surveys were being paid for through the CITT fund. The Board questioned if curbs would be provided – staff was not sure. The Board questioned the proposed location for the 107 street sign and was concerned that it might be too far from the actual entrance of the Village. Staff would advise.

G. **Tree Fertilization** – In progress.

H. **Million Orchid Project of Fairchild Garden** – Staff installed 18 orchids in trees at the Recreation Center with the assistance of Barbara and Gary Kuhl.

I. **New proposed swale ordinance** – In discussion by the Commission.

J. **Resolution of “Conflicting Tree Location” issues** – See Item #5.2.

K. **Restoration of 6<sup>th</sup> Ave irrigation** – No progress.

L. **Discussion of landscaping for new administration building** – No plans had been developed and Mr. Manners believed that there was only adequate funding for the placement of sod. He advised that he would provide a digital file of the site plan to the Board (Kemberlee Misk) so that prints could be made for future planning purposes.

## 7. NEW BUSINESS

A. **Discussion regarding proposal to repurpose athletic field** – The Board proposed and unanimously passed the following motion: “That the Board recommends that the Village not proceed with any plan that would repurpose the athletic field at the Ed Burke Recreation Center”. The Board discussion centered on its assertion that it is short sighted to destroy the Athletic Field uses in perpetuity by the installation of some other use or uses in the spaces necessary for proper athletic field configuration.

B. **Discussion of changes made to landscape in front of 113 Street entrance sign** – Mr. Keys presented the proposal that the landscaping installed by the previous administration in front of the entrance sign at 113 Street be removed. He pointed out that the landscaping for the sign had been professionally designed by a



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landscape architect and that the concept of having a clear or minimalistic ground plain in front of the sign had been an important design consideration during the design process. He further added his opinion that the three layered and very formal planting was simply bad design, particularly in context with the informal design of the rest of the landscape. He pointed out that the installation of the plant material in question was never brought before the Board and in spite of his requests for information regarding the impetus for the planting, no such information had been provided. Barbara Kuhl was of the opinion that she did not mind the landscaping and that it was not worth the argument. Kimberlee Misek advised that she would like an opportunity to look at the planting before commenting. It was agreed that further discussion would take place at the next meeting.

C. **Discussion regarding change in meeting time.** Krishan Manners asked the Board if in light of the fact that some members were finding it difficult to make meetings due to the 6 PM start time, the Board proposed and unanimously passed the following motion: **“That 7 PM be set as the meeting time of the Parks and Parkway Board”**

NEXT MEETING DATE – Set for July 15, 2015

ADJOURNMENT – the meeting adjourned at 7:05 PM.

Minutes of June 17, 2015 were approved on \_\_\_\_\_

By: \_\_\_\_\_  
Dan Keys, Chair



PARKS &  
PARKWAY  
ADVISORY BOARD

Dan Keys  
Chairman

Barbara Kuhl  
Kimberlee Misek  
Robert Silverman  
Randy Wagoner

**MINUTES**  
**PARKS & PARKWAY ADVISORY BOARD**  
**Ed Burke Recreation Center 11400 NE 9<sup>th</sup> Court**  
**Wednesday, July 15, 2015 at 7:00 PM**

1. CALL TO ORDER AND ROLL CALL – Barbara Kuhl, Kimberlee Misek, Robert Silverman, Randy Wagoner and Dan Keys were present; Commissioner Barbara Watts was in attendance as an audience member. No staff members were present as Krishan Manners had a last minute urgent matter to attend to.
  2. AGENDA ADDITIONS AND DELETIONS – Budget discussions. See new business.
  3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM) – As indicated below.
  4. APPROVAL OF MINUTES – The Minutes of May 20<sup>th</sup> and June 17, 2015 were approved unanimously.
  5. OLD BUSINESS
    - A. **General median maintenance** – No Staff Report was available.
    - B. **Tree removal and tree trimming issues** – Work has commenced. The Board discussed some of the work that had been done on 113 Street at 8<sup>th</sup> Court as being poorly executed. In particular, sloppy chainsaw work that caused damage and the stub cutting of some limbs. The Board reiterated that it was desirous of having major, equipment intensive work accomplished by the contractor, leaving the minor tasks to Village staff.
    - C. **Athletic field turf maintenance** – Barbara Kuhl reported that she had been advised that the field had been fertilized and treated for mole crickets. Mr. Keys suggested that staff provide the highest levels of fertilization possible (possibly greater than now being provided) at this time in order to take advantage of the warm wet weather for recuperative growth.
- Lighting** - As a side note, Barbara mentioned that the Biscayne Park Foundation offered the Commission \$2,000 from its fund raising efforts towards “lighting” at the Recreation center. The Board discussed the advisability of doing any lighting prior to a more comprehensive study being done. Kimberlee Misek was going to see if she could get a



lighting contractor she works with to assist in the process. **A motion was made and passed unanimously: "That no lighting be installed at the Recreation Center prior to a more comprehensive lighting plan being produced."**

D. **Highway Beautification Grant Proposal made for median of NE 6<sup>th</sup> Ave** – No report given.

E. **Sixth Ave. Bridge Grant** – Barbara Kuhl reported that she had learned that staff was investigating the installation of electrical service at the bridge sight, apparently to support some sort of irrigation system. The Board did not know if this was for the installation of a pump or for timers related to a city water supply controller. Kimberlee Misek advised that contrary to previous discussions, she believed that water could be pumped from the canal.

Dan Keys questioned the need or advisability of reestablishing soil rings around the plant material recently planted. He advised that he believed that this was unneeded for the retention of irrigation water at this point **and thus wasteful of labor resources.** He added that good horticultural practices would be actually remove the soil that constituted the initial soil rings so as not to have this soil cover the roots of the plant material. **He added that soil placed on top of root systems (or allowed to erode to that location) would encourage the development of girdling roots.**

Mr. Keys advised that he had not been contacted about providing assistance to staff with the location of the ground cover plant material on the West side planting. This assistance was offered at the May meeting.

F. **Discussion of path forward for design and construction of secondary entrance signage related to grant funding** – Barbara Kuhl advised that she learned that surveys were being done for the sign locations and that bidding of necessary work was processing forward. Apparently, curbing at the sign locations would be considered as new fiscal year expenditure.

G. **Tree Fertilization** – No report.

H. **Million Orchid Project of Fairchild Garden** – No report.

I. **New proposed swale ordinance** – Barbara Kuhl reported that the Commission decided to ignore the section of the Swale Ordinance dealing with what could be planted on the Swale by residents, with the



possible exception of the issue of maintenance responsibility for those plant materials.

J. **Resolution of “Conflicting Tree Location” issues** – No report given.

K. **Restoration of 6<sup>th</sup> Ave irrigation** – No progress.

L. **Discussion of landscaping for new administration building** – **Kimberlee Misek provided site plan drawings of the new administration building, which as feared showed that there was not going to be any raised planting area division between NE 114 Street and the parking area of the facility. This is resulting in a large asphalted area, which in the opinion of the Board is unsightly. The Board had pointed out this condition to staff several months ago prior to the finalization of the site plan and asked that the condition be remedied. The Board members discussed their extreme disappointment that changes were not made prior to construction of the building.**

M. **Discussion of changes made to landscape in front of 113 st entrance sign** – No discussion.

N. **Discussion regarding proposal to repurpose athletic field** - Barbara Kuhl mentioned that Commissioner Watts had suggested a Charette for the purpose of discussing the idea of repurposing the athletic field. Commissioner Watts clarified that she did so because she thought that the issue needed more discussion even as to the advisability of any repurposing.

**The Board again discussed its previous motions against repurposing the athletic field. The Board questioned the need for a different facility and members wondered what support if any was behind the repurposing effort.** The Board members opined that various desired facilities, such as a vita course or similar exercise facility could be incorporated into the Village park system and that many discussions have taken place at Parks and Parkways and Median Review meetings over the years regarding this matter. **The Board and its several professionals and otherwise well informed members are willing to provide further advice on this matter as it and its members are charged to do by Board enabling legislation.**

## 7. NEW BUSINESS

### A. **Budget Discussion** –

1. The Board discussed the need for qualified direction of the tree-trimming contractors and suggested that funding for an Arborist be provided for this purpose. The Board discussed the general need



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for tree trimming to be addressed prior to other new projects being moved forward. **The need for specific funding for the arborist, removal of conflicting trees and dead and diseased trees and for major structural pruning of trees was discussed and encouraged.**

2. The board made and passed the the following motion, unanimously: **“That the Board recommends that a Millage Rate of 9.7 Mills be maintained in part to address the need for deferred tree maintenance”** The Board added that \$20,000 - \$50,000 could responsibly be spent in the next fiscal year to begin to address these issues. The Board further suggested that this funding, if provided, be specifically identified in a separate line item so that it could not be redirected without notice.
3. **Basketball Court – The Board discussed the condition of the Basketball Court and advised that funding should be provided in the budget for the renovation of this intensely used facility.** The Board added that concentration on providing for the maintenance, and renovation if needed of all existing facilities be provided first before new facilities are built.

NEXT MEETING DATE – Tentatively, August 26, 2015 at 7 PM.

ADJOURNMENT – the meeting adjourned at approximately 9:00 PM.

Minutes of July 15, 2015 were approved on \_\_\_\_\_

By: \_\_\_\_\_  
Dan Keys, Chair



# *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161

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CODE  
COMPLIANCE  
BOARD

Gary Kuhl  
Chairman

Harvey Bilt  
Dale Blanton  
Linda Dillon  
Jenny Johnson-  
Sardella  
Laura Graves  
Alternate

## **MINUTES**

**CODE COMPLIANCE BOARD  
Ed Burke Recreation Center  
11400 NE 9<sup>th</sup> Court – Biscayne Park, FL  
Monday, June 8<sup>th</sup>, 2015 at 7:00pm**

### **1. CALL TO ORDER**

This meeting was called to order at 7:00 p.m.

### **2. ROLL CALL**

Gary Kuhl – Chair – present  
Dale Blanton – Vice chair – present  
Harvey Bilt – present  
Linda Dillon – chair – present  
Jenny Johnson – Sardella – absent  
Laura Graves – absent  
Staff attendance – Reginald White, Krishan Manners and Shanesa Mykoo – present

### **3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS**

-Deletion of Fine reduction, item A and item B  
-Deletion of New Business, Item A

### **4. APPROVAL OF MINUTES**

- April 27<sup>th</sup>, 2015  
No motion made, pending motion approval at meeting on July 13<sup>th</sup>, 2015 meeting.  
- May 11<sup>th</sup>, 2015  
Motion by D. Blanton, seconded by L. Dillon and approved 4-0

### **5. NEW BUSINESS**

- a) Albert Eskenazi, Viviana Eskenazi – 11215 NE 8<sup>th</sup> Ave – Permit violation concerning exterior paint.  
-Deleted.
- b) Laura Urteaga – 11113-11111 NE 9<sup>th</sup> Ct – Electrical work done without a permit.  
Motion by D. Blanton, seconded by H. Bilt and approved 4-0  
-In compliance and case closed.
- c) Laura Urteaga – 11113-11111 Ne 9<sup>th</sup> Ct – Bathroom and Kitchen remodels without a permit.  
Motion by D. Blanton, seconded by H. Bilt and approved 4-0  
-In compliance and case closed.
- d) Augusto C. Medina – 630 NE 121th St – Painting without a permit.  
Motion by H. Bilt, seconded by L. Dillon and approved 4-0  
-In compliance and case closed.
- e) Julio C. Cipullo – 1070 NE 121th St – Unsightly carport/Canopy.  
Motion by L. Dillon, seconded by H. Bilt and approved 4-0  
-In compliance and case closed.  
-Resident needs to be sited on second canopy.
- f) Lawrence S. Gordon – 820 NE 118<sup>th</sup> St – Garbage containers not stored properly.  
Motion by D. Blanton, seconded by L. Dillon and approved 4-0  
-In compliance and case closed.
- g) Lawrence S. Gordon – 820 NE 118<sup>th</sup> St – Wooden pallet stored in the front yard.  
Motion by D. Blanton, seconded by H. Bilt and approved 4-0  
-In compliance and case closed.



## *The Village of Biscayne Park*

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- h) Gabriel Ighodaro – 745 NE 117<sup>th</sup> St – Grass, weeds and shrubberies are overgrown.  
Motion by L. Dillon, seconded by D. Blanton and approved 4-0  
-In compliance and case closed.
- i) Eva M. Areias & Carlos A Lima – 741 NE 114<sup>th</sup> St – Yard debris and trees not properly maintained.  
Motion by D. Blanton, seconded by L. Dillon and approved 4-0  
-Not in compliance. \$25 fine and \$5 daily fine, commencing as of June 10<sup>th</sup>, 2015.
- j) Roberta A. Meleski EST OF – 11636 NE 7<sup>th</sup> Ave – Discolored exterior walls.  
Motion by L. Dillon, seconded by H. Bilt and approved 4-0  
-In compliance and case closed.
- k) Brian Lilburn – 430 NE 121<sup>th</sup> St – Unused /Unightly objects (junked vehicle)  
Motion by D. Blanton, seconded by H. Bilt and approved 4-0  
-Not in compliance - Abandoned vehicle  
-Owner has 5 days to remove or provide registration. \$50 fine and \$10 daily fine, commencing after June 14<sup>th</sup>, 2015.

### **6. OLD BUSINESS:**

- a. John D. Davidson JR – 711 NE 113<sup>th</sup> St – Boat not stored on an approved surface:  
Case# 15- 0126  
Motion by L. Dillon, seconded by D. Blanton and approved 4-0  
-In compliance and case closed.
- b. John D. Davidson JR – 711 NE 113<sup>th</sup> St – Junked Vehicle stored on the property:  
Case#15-0125  
Motion by L. Dillon, seconded by D. Blanton and approved 4-0  
-In compliance and case closed.
- c. Jan Wettergren – 11700 NE 9<sup>th</sup> Ave – Boat stored in the front yard: Case# 15-0091  
Motion by D. Blanton, seconded by L. Dillon and approved 4-0  
-Case dismissed.  
-Resident needs to request fine reduction for July 13<sup>th</sup>, 2015 meeting.

### **7. FINE REDUCTION**

- a. Deutsche Bank – 1108 NE 119<sup>th</sup> St – various violations: Case# 6-08-1078, 6-08-1075, 1-09-1174, 6-08-1077, 4-09-1259, 5-13-1920, 1-09-1176, 1-09-1175, 15-0017.  
-postponed per residents request.
- b. Carolyn P.Morra, Trustee Arthur Hunter Trust - 1013 NE 115<sup>th</sup> St– various violations: Case: Case# 2-10-1369, 2-10-1370, 2-10-1373, 7-12-1610, 6-13-1975.  
-postponed per residents request.

### **8. ANNOUNCEMENTS / SCHEDULE OF NEXT MEETING**

The next meeting of the Code Compliance Board is Monday, July 13<sup>th</sup>, 2015

### **9. ADJOURNMENT**

This meeting was adjourned at 7:50 p.m.

Minutes approved on \_\_\_\_\_

By: \_\_\_\_\_  
Gary Kuhl, Chair



# *The Village of Biscayne Park*

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CODE  
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BOARD

Gary Kuhl  
Chairman

Harvey Bilt  
Dale Blanton  
Linda Dillon  
Jenny Johnson-  
Sardella

Alternate  
Laura Graves

## **MINUTES**

**CODE COMPLIANCE BOARD  
Ed Burke Recreation Center  
11400 NE 9<sup>th</sup> Court – Biscayne Park, FL  
Monday, July 13<sup>th</sup>, 2015 at 7:00pm**

### **1. CALL TO ORDER**

This meeting was called to order at 7:00 p.m.

### **2. ROLL CALL**

Gary Kuhl – Chair – present  
Harvey Bilt – Vice chair - present  
Dale Blanton – present  
Linda Dillon – present  
Jenny Johnson – Sardella – present  
Laura Graves – Alternate – absent  
Staff attendance – Reginald White, Krishan Manners and Shanesa Mykoo - present

### **3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS**

-Deletion of New Business, Item D and item G.

### **4. APPROVAL OF MINUTES**

- June 8<sup>th</sup>, 2015.  
Postponed until next meeting.

### **5. NEW BUSINESS**

- a. 2014 3 IH Borrower L P - 11705 NE 9th Ave – Unsightly canopy/carport on the property:  
Case# 15-0352  
-Motion by D. Blanton, seconded by L. Dillon and approved 5-0  
-In compliance and case closed.
- b. Gabriel Ighodaro - 745 NE 117th St – Dirty pool: Case# 15-0334  
-Motion to postponed until next meeting by J. Sardella, seconded by H. Bilt and approved 3-2  
-G. Kuhl and L. Dillon opposed.
- c. MPMR Holdings LLC - 10901 Griffing Blvd – Painting neighbor's wall incorrect color without village approval, wall discolored: Case# 15-0353  
-Motion by D. Blanton, seconded by H. Bilt and approved 5-0  
-Not in compliance, violation fee of \$25.00. Five days to come in compliance if resident does not comply, \$5.00 daily fee thereafter.
- d. James A. Reeder - 730 NE 121th St – Constructing a walk way without a permit:  
Case# 15-0354  
-Deleted



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

- e. James A. Reeder - 730 NE 121th St – Yard debris, sand pile and objects on the property:  
Case# 15-0355  
-Motion by L. Dillon, seconded by D. Blanton and approved 5-0  
-In compliance and case closed.
- f. Adele Comez - 10801 NE 10th Ave – Dilapidated wooden fence: Case# 15-0356  
-Motion by J. Sardella, seconded by D. Blanton and approved 5-0  
-In compliance and case closed.
- g. Carol M. Dickson - 1060 NE 119th St – Exterior surfaces of the house are discolored and dirty: Case# 15-0198  
-Deleted.
- h. Harry W. Fallon - 12000 NE 10th Ave – Dilapidated carport: Case# 15-0357  
-Motion by H. Bilt, seconded by D. Blanton and approved 5-0  
-Not in compliance, violation fee of \$25.00. Resident has two weeks to be in compliance.  
\$5.00 daily fine thereafter if resident does not comply.
- i. Gilles Tardif - 11119 NE 11th PL – Gravel driveway constructed without a permit:  
Case# 15-0358  
-Motion by D. Blanton, seconded by J. Sardella and approved 5-0  
-Not in compliance, violation fee of \$25.00. \$5.00 daily fine commencing as of July 15<sup>th</sup>, 2015.
- j. Steven G. Bernard - 860 NE 115th St – Overgrown hedges and plants in the front yard:  
Case# 15-0360  
-Motion by L. Dillon, seconded by D. Blanton and approved 5-0.  
-In compliance and case closed.
- k. Steven G. Bernard - 860 NE 115th St – Discolored and dirty exterior walls, storm shutters covering windows: Case# 15-0022  
-Motion by H. Bilt, seconded by J. Sardella and approved 5-0  
-Postponed until next meeting.
- l. John D. Holland - 844 NE 115th St – Yard debris in back of the house along the alley:  
Case#15-0359  
-Motion by D. Blanton, seconded by L. Dillon and approved 5-0  
-In compliance and case closed.
- m. 970 Biscayne Park RE LLC – 970 NE 120<sup>th</sup> St – Yard debris in back of the house along the alley. Case# 150316  
-Motion by D. Blanton, seconded by H. Bilt and approved 5-0  
-Not in compliance, violation fee of \$25.00. \$5.00 daily fine commencing as of July 15<sup>th</sup>, 2015.
- n. 951 NE 119<sup>TH</sup> St LLC – 951 NE 119<sup>TH</sup> St – Yard debris stored in back of the house.:  
Case#15-0317  
-Motion by J. Sardella, seconded by D. Blanton and approved 5-0  
-In compliance and case closed.



## *The Village of Biscayne Park*

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### **6. OLD BUSINESS:**

- a. Joan C Thompson – 750 NE 116<sup>th</sup> St – Dirty roof and discolored exterior surfaces of the house: Case# 15-0183
  - Motion by H. Bilt, seconded by L. Dillon and approved 5-0
  - Postponed until next meeting.

### **7. FINE REDUCTION**

- a. Deutsche Bank – 1108 NE 119th St – various violations: Case# 6-08-1078, 6-08-1075, 1-09-1174, 6-08-1077, 4-09-1259, 5-13-1920, 1-09-1176, 1-09-1175, 15-0017
  - Motion by J. Sardella, seconded by D. Blanton to reject first offer for \$15,000.00
  - H. Bilt motioned to accept \$35,000.00, motion was not seconded. Offer of \$35,000.00 was also rejected.
- b. Carolyn P. Morra, Trustee Arthur Hunter Trust - 1013 NE 115th St– various violations: Case: Case# 2-10-1369, 2-10-1370, 2-10-1373, 7-12-1610, 6-13-1975.
  - Motion by J. Sardella, seconded by H. Bilt and approved 5-0
  - \$31,250.00 to be held by title company in order to close.
  - Property to close in 30 days then has 45 days to come into compliance and return to the board for a fine reduction.
- c. Orlando Milligan – 11925 NE 12<sup>th</sup> Ct – Property Maintenance - Paint: Case# 02-282
  - Motion by H. Bilt, seconded by D. Blanton and approved 5-0
  - Resident has 20 days to pay offer of \$1,500.00

### **8. ANNOUNCEMENTS / SCHEDULE OF NEXT MEETING**

The next meeting of the Code Compliance Board is Monday, August 10<sup>th</sup>, 2015

### **9. ADJOURNMENT**

This meeting was adjourned at 8:30 p.m.

Minutes approved on \_\_\_\_\_

By: \_\_\_\_\_

Gary Kuhl, Chair



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

### PLANNING & ZONING BOARD

Gage Hartung  
Chairman

Andrew Olis  
Vice Chairman

Elizabeth Hornbuckle  
Doug Tannehill  
Jacqueline Pallango

### MINUTES PLANNING & ZONING BOARD MEETING Ed Burke Recreation Center 11400 NE 9<sup>th</sup> Court – Biscayne Park, FL Monday, July 6<sup>th</sup>, 2015 at 6:30pm

#### 1. CALL TO ORDER

This meeting was called to order at 6:30 p.m.

#### 2. ROLL CALL

Gage Hartung – Chair Member – present  
Andrew Olis – Vice Chair – present  
Elizabeth Hornbuckle – Board Member – absent  
Doug Tannehill – Board Member – present (joined meeting at 6:35 p.m.)  
Jackie Pallango – Board Member - present  
Shanesa Mykoo, Krishan Manners and Sal Annese – Staff attendance – present

#### 3. ADDITIONS, DELETIONS OR DISCUSSIONS TO ORDER OF BUSINESS

#### 4. APPROVAL OF MINUTES

June 15<sup>th</sup>, 2015.  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0

#### 5. PAINT PERMITS

a. Medina – 630 NE 121<sup>st</sup> St - (after the fact)  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0  
b. Mustelier – 1112 NE 117<sup>th</sup> St - (after the fact)  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0

#### 6. BUILDING PERMITS

ai. Jones – 647 NE 114<sup>th</sup> St – Install shed  
Motion by A. Olis, seconded by J. Pallango and approved 3-0  
a.ii. Jones – 647 NE 114<sup>th</sup> St - Remodel driveway  
Motion by A. Olis, seconded by J. Pallango and approved 3-0  
bi. Schubert – 11251 NE 11<sup>th</sup> Pl – Replace doors  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0  
b.ii. Schubert – 11251 NE 11<sup>th</sup> Pl – Replace existing wood gate  
Motion by A. Olis, seconded by J. Pallango and approved 4-0  
c. Dial – 11501 NE 7<sup>th</sup> Ave - Install windows and doors  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0  
d. Steinberg – 1010 NE 117<sup>th</sup> St - Replace windows and doors  
Motion by A. Olis, seconded by D. Tannehill and denied 4-0  
\*Need to replace window with awning.  
e. Kovach – 1114 NE 117<sup>th</sup> St – Install shutters  
Motion by A. Olis, seconded by J. Pallango and approved 4-0  
f. Palomino – 11010 NE 10<sup>th</sup> Ave – Reroof  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0  
g. Wise – 11465 NE 9<sup>th</sup> Ct – New roof on addition  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0  
h. Romano – 725 NE 114<sup>th</sup> St – Pool and deck  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0  
i. Picardi – 1017 NE 116<sup>th</sup> St – Reroof  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0  
j. Chafin – 12020 NE 5<sup>th</sup> Ave – Reroof  
Motion by A. Olis, seconded by J. Pallango and approved 4-0



## The Village of Biscayne Park

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161

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k.Chen – 1016 NE 117<sup>th</sup> St – Replace windows and doors  
Motion by D. Tannehill, seconded by A. Olis, and approved 4-0  
l.Schindler – 1008 NE 115<sup>th</sup> St – one bedroom addition  
\*Tabled – pending more information  
mi.Alvarez – 590 NE 119<sup>th</sup> St – Repair existing fence  
\*Tabled – pending more information  
mii.Alvarez – 590 NE 119<sup>th</sup> St – Repair deck  
Motion by A. Olis, seconded by J. Pallango and approved 4-0  
n.Alfaro – 11403 NE 8<sup>th</sup> Ave – Reroof  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0  
o.Parris – 846 NE 116<sup>th</sup> St – Replace windows  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0  
p.Homes for Humanity – 921-923 NE 107<sup>th</sup> St – Replace windows  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0  
q.Moreno – 1005 NE 116<sup>th</sup> St- Reroof  
Motion by A. Olis, seconded by J. Pallango and approved 4-0  
r.Beltran – 10840 Griffing Blvd – Remodel driveway  
\*Tabled – pending more information  
s.Winzinreid – 10907 NE 9<sup>th</sup> Ave – Remodel driveway  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0  
t.Deitermann Group LLC – 11900 Griffing Blvd – Install windows  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0  
u.Garnett – 1155 NE 119<sup>th</sup> St – Replace fence  
\*Tabled – pending more information  
v.Olis – 530 NE 119<sup>th</sup> St – Replace windows  
Motion by D. Tannehill, seconded by J. Pallango and approved 3-0  
\*A. Olis recues from vote  
w.Dillworth – 12020 NE 12<sup>th</sup> Ct – Replace windows  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0  
x.Dillworth – 10831 NE 8<sup>th</sup> Ct – Replace windows  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0  
y.Baloyra – 1012 NE 117<sup>th</sup> St – Reroof  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0

### 7. Administrative Variance

None

The next meetings of the Planning & Zoning Board are Monday, July 20<sup>th</sup>, 2015 and Monday, August 3<sup>rd</sup>, 2015.

### 8. ADJOURNMENT

This meeting was adjourned at 7:36 p.m.

Minutes approved on: \_\_\_\_\_

(Date)

By: \_\_\_\_\_

Gage Hartung, Chair Planning & Zoning Board



# The Village of Biscayne Park

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

## PLANNING & ZONING BOARD

Gage Hartung  
Chairman

Andrew Olis  
Vice Chairman

Elizabeth Hornbuckle  
Doug Tannehill  
Jacqueline Pallango

Alternates  
Max Deitermann  
Mario Rumiano

## MINUTES PLANNING & ZONING BOARD MEETING Ed Burke Recreation Center 11400 NE 9<sup>th</sup> Court – Biscayne Park, FL Monday, July 20<sup>th</sup>, 2015 at 6:30pm

### 1. CALL TO ORDER

This meeting was called to order at 6:30 p.m.

### 2. ROLL CALL

Gage Hartung – Chair – present  
Andrew Olis – Vice Chair – present  
Elizabeth Hornbuckle – Board Member - present  
Doug Tannehill - Board Member – present  
Jackie Pallango – Board Member – present  
Shanesa Mykoo, Krishan Manners and Sal Annese – Staff attendance - present

### 3. OLD BUSINNES, DELETIONS OR DISCUSSIONS TO ORDER OF BUSINESS

a.Nevarez – 11311 NE 8<sup>th</sup> Ave - Reroof

### 4. APPROVAL OF MINUTES

July 6<sup>th</sup>, 2015  
Motion by A. Olis, seconded by D. Tannehill and approved 5-0

### 5. PAINT PERMITS

a.Chen – 1016 NE 117<sup>th</sup> St  
Motion by D. Tannehill, seconded by A. Olis and approved 5-0  
b.Morton – 791 NE 116<sup>th</sup> St  
Motion by A. Olis, seconded by D. Tannehill and approved 5-0

### 6. BUILDING PERMITS

a.Carty – 11929 NE 6<sup>th</sup> Ave – Reroof  
Motion by A. Olis, seconded by D. Tannehill and approved 5-0  
b.Torres – 831 NE 118<sup>th</sup> St – Reroof  
Motion by D. Tannehill, seconded by A. Olis and approved 5-0  
\*Approved pending drawing of rear of house.  
c.Luft – 11803 NE 11<sup>th</sup> PI – Replace existing fence  
Motion by A. Olis, seconded by D. Tannehill and approved 5-0  
\*Approved with change on survey.  
d.Martincak – 910 NE 120<sup>th</sup> St - Reroof  
Motion by A. Olis, seconded by E. Hornbuckle and denied 5-0  
e.Seira – 985 NE 116<sup>th</sup> St – Replace windows  
Motion by D. Tannehill, seconded by E. Hornbuckle and approved 5-0  
f.Perez – 11802 NE 8<sup>th</sup> Ave - Reroof  
Motion by A. Olis, seconded by D. Tannehill and approved 5-0  
\*Approved pending drawing of rear of house.  
g.BP11211 LLC – 11211 NE 8<sup>th</sup> Ct – Reroof  
Motion by A. Olis, seconded by D. Tannehill and approved 5-0  
h.Eskenazi – 11215 NE 8<sup>th</sup> Ave – Porch enclosure  
Motion by A. Olis, seconded by D. Tannehill and approved 4-1  
\*E. Hornbuckle opposes.  
i.Dawson – 842 NE 121<sup>st</sup> St - Reroof  
Motion by E. Hornbuckle, seconded by D. Tannehill and approved 5-0  
j.Garzon – 1155 NE 119<sup>th</sup> St – Replace fence  
Motion by A. Olis, seconded by D. Tannehill and approved 5-0



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

k.Alvarez – 590 NE 119<sup>th</sup> St – Replace fence  
Motion by D. Tannehill, seconded by A. Olis and approved 5-0  
I.Beltran – 10840 Griffing Blvd – Remodel driveway  
Motion by D. Tannehill, seconded by E. Hornbuckle and approved 5-0

### **7. Administrative Variance**

None

The next meetings of the Planning & Zoning Board are Monday, August 3<sup>rd</sup>, 2015 and Monday, August 17<sup>th</sup>, 2015.

### **8. ADJOURNMENT**

This meeting was adjourned at 7:42 p.m.

Minutes approved on: \_\_\_\_\_  
(Date)

By: \_\_\_\_\_  
Gage Hartung, Chair Planning & Zoning Board



PUBLIC ART  
ADVISORY BOARD

Amy Raymond  
Chair

Karen Marinoni  
Larry Newberry  
Susan Weiss

**MINUTES**

**PUBLIC ART ADVISORY BOARD**

**Ed Burke Recreation Center, 11400 NE 9<sup>th</sup> Ct., Biscayne Park, FL  
Wednesday, July 8, 2015 at 6:00PM**

1. CALL TO ORDER AND ROLL CALL – The meeting was called to order at 6:05pm. Present were board members Karen Marinoni, Amy Raymond, Susan Weiss, and Larry Newberry.

Notification received from Ximena Datorre of her resignation from this board.

Motion made by Susan Weiss to nominate Amy Raymond as the Chair of the Public Art Advisory Board, and it was seconded by Karen Marinoni. All in favor. Motion carries 4-0.

2. AGENDA ADDITIONS AND DELETIONS – None
3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM) – None
4. APPROVAL OF MINUTES – Karen Marinoni makes a motion to approve the minutes of June 10, 2015, and it was seconded by Susan Weiss. All in favor. Motion carries 3-0. (Larry Newberry did not vote as he was not present at the June 10<sup>th</sup> meeting.)
5. OLD BUSINESS –
  - a. Status of sculpture for pet waste station locations: Amy Raymond to research company that fabricates metal dog designs to determine sizes, cost, designs, colors; and look to partner with DASH on designs. Also look to get contributions/funding from businesses.
  - b. Call to Artists: The board members reviewed the information provided by Susan Weiss on Call to Artists done by other cities. Susan Weiss to draft a Call to Artists for the Village and to provide for review at the August Meeting. Clerk to provide the resources used for posting the Call to Artists that were used for the mural.



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
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- c. Photo Contest: Board members to contact Miami Shores and Miami Lakes to get information on the logistics of implementing a successful photo contest.

6. NEW BUSINESS - None

7. NEXT MEETING DATE – Wednesday, August 12, 2015, at 6:00pm.

8. ADJOURNMENT – Meeting was adjourned at 6:45pm.

---

Minutes approved on \_\_\_\_\_.



# Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Resolution 2015 – 40 Turf and Landscape Maintenance Joint Participation Agreement (JPA) Contract Renewal #1

**Prepared By:** Heidi Siegel, AICP, Village Manager

**Sponsored By:** Staff

---

## **BACKGROUND**

The Florida Department of Transportation (FDOT) has jurisdiction over and maintains State Road (S.R.) 915/NE 6 Avenue/Biscayne Park Way. The Village and FDOT have previously entered into a Turf and Landscape Maintenance Joint Participation Agreement (JPA) in which FDOT reimburses the Village for the mowing the medians along NE 6 Avenue. The Village is responsible for the cost of maintenance for the landscaping and trees. This agreement must be renewed annually.

The previous amount budgeted by FDOT was \$1,415.88. This year, FDOT has proposed the same budgeted amount. This will be a renewal to the agreement entered into by the Village in September 2014.

## **FISCAL / BUDGET IMPACT**

The annual reimbursement of \$1,415.88 to the Village offsets the cost of maintenance which is budgeted.

## **STAFF RECOMMENDATION**

Staff recommends approval of Resolution 2015-40.

## **ATTACHMENTS**

- Resolution No. 2015-40
- Turf and Landscape Maintenance Joint Participation Agreement between the Florida Department of Transportation and the Village of Biscayne Park Contract Renewal #1

1  
2  
3 **RESOLUTION NO. 2015-40**  
4

5 RESOLUTION OF THE VILLAGE COMMISSION OF  
6 THE VILLAGE OF BISCAYNE PARK AUTHORIZING  
7 THE VILLAGE MANAGER TO EXECUTE THE  
8 CONTRACT RENEWAL FOR THE TURF AND  
9 LANDSCAPE MAINTENANCE JOINT  
10 PARTICIPATION AGREEMENT BETWEEN THE  
11 FLORIDA DEPARTMENT OF TRANSPORTATION  
12 AND THE VILLAGE OF BISCAYNE PARK;  
13 PROVIDING FOR AN EFFECTIVE DATE.  
14

15  
16 WHEREAS, as a part of the continual updating of the State of Florida Highway  
17 System, the State of Florida Department of Transportation for the purpose of safety has  
18 created roadside areas and median strips on that of the State Highway System within the  
19 limits of the VILLAGE OF BISCAYNE PARK; and  
20

21 WHEREAS, the specific location within the Village is S.R. 915 / NE 6<sup>th</sup> Avenue;  
22 and,  
23

24 WHEREAS, a CONTRACT RENEWAL of the Turf and Landscape Maintenance  
25 Join Participation Agreement between the Florida Department of Transportation and the  
26 Village of Biscayne Park (Financial Project No. 252372-2-78-02) for a period of one year  
27 beginning 14<sup>th</sup> of October 2015 and ending the 13<sup>th</sup> of October 2016 at an annual cost to the  
28 Florida Department of Transportation of \$1,415.88, has been provided to the VILLAGE OF  
29 BISCAYNE PARK, by the Department of Transportation; and  
30

31 WHEREAS, it is in the best interest of the VILLAGE OF BISCAYNE PARK to  
32 authorize the Village Manager to execute the Turf and Landscape Maintenance Join  
33 Participation Agreement between the Florida Department of Transportation and the Village  
34 of Biscayne Park.  
35

36 NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF  
37 THE VILLAGE OF BISCAYNE PARK, FLORIDA  
38

39 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as  
40 being true and correct and hereby made a specific part of this Resolution upon adoption  
41 hereof.  
42

43 **Section 2.** This Commission approves the CONTRACT RENEWAL of the Turf  
44 and Landscape Maintenance Join Participation Agreement between the Florida Department  
45 of Transportation and the Village of Biscayne Park (Financial Project No. 252372-2-78-02),  
46 and the Village Manager will execute said agreement as will further the purposes described  
47 therein. The agreement, in substantial form, is attached and incorporated by reference into  
48 this resolution as exhibit 1.  
49





RECEIVED

JUL 20 2015

*Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

1000 NW 111 Avenue  
Miami, Florida 33172

JIM BOXOLD  
SECRETARY

July 15, 2015

Ms. Heidi Siegel, Village Manager  
**Village of Biscayne Park**  
893 NE 109th Street  
Biscayne Park, FL 33161  
[villagemanager@biscayneparkfl.gov](mailto:villagemanager@biscayneparkfl.gov)

**RE: RENEWAL NOTICE**

Contract No: ARM96 – Renewal# 1  
Description: Turf and Landscape Maintenance Joint Participation Agreement  
Fin Project No: 252372-2-78-02  
County: Miami-Dade

Dear Ms. Siegel:

The Florida Department of Transportation desires to renew the agreement referenced above expiring on October 13, 2015. If your village desires to renew this agreement, enclosed please find two (2) copies of each form as listed below. All two sets must be completed, executed and returned to our office.

1. Contract Renewal, Form # 375-020-23 (1 page)
2. E-Verify, Form# 375-040-68 (1 page)

Please send all requested forms and information on or before August 14, 2015 to:  
Andres Salzberger, 1000 Northwest 111th Avenue, Room #6205B, Miami, Florida 33172

**NOTE: Please leave the date of the contract blank so that it can be filled in by this office at the time the contract is executed and please return all copies. THE DEPARTMENT WILL RETURN AN EXECUTED COPY OF THIS CONTRACT FOR YOUR RECORDS.**

Sincerely,

A handwritten signature in black ink, appearing to be "AS", written over a circular scribble.

Andres Salzberger, E.I.  
Contracts support

cc: K. Al-Said, Shamita Jain, file

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**CONTRACT RENEWAL**

375-020-23  
CONTRACTS ADMINISTRATION  
OGC - 04/06

Contract No.: ARM96 Renewal: (1st, 2nd, etc.) 1st  
Financial Project No(s): 252372-2-78-02  
County(ies): Miami-Dade

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between the State of Florida Department of Transportation, hereinafter called "Department", and Village of Biscayne Park, 893 NE 114th St, Biscayne Park, FL 33161 hereinafter called "Contractor".  
(This date to be entered by DOT only)

**WITNESSETH:**

WHEREAS, the Department and the Contractor heretofore on this 3 day of October, 2014 entered into an Agreement whereby the Department retained the Contractor to perform Maintenance of all landscaped and/or turfed areas within the right-of-way having the limits described by Exhibit 'B', of the original contract.  
(This date to be entered by DOT only)

\_\_\_\_\_ ; and

WHEREAS, said Agreement has a renewal option which provides for a renewal if mutually agreed to by both parties and subject to the same terms and conditions of the original Agreement;

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of the mutual benefits to flow each to the other, the parties agree to a renewal of said original Agreement for a period beginning the 14th day of October, 2015 and ending the 13th day of October, 2016 at a cost of \$ 1,415.88

All terms and conditions of said original Agreement shall remain in force and effect for this renewal.

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized officers on the day, month, and year set forth above.

Village of Biscayne Park  
Name of Contractor

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Contractor Name and Title

✓ WBY: \_\_\_\_\_  
District Secretary or Designee (Signature)

BY: \_\_\_\_\_  
Authorized Signature

Title: \_\_\_\_\_

\_\_\_\_\_  
Name of Surety (SEAL)

Legal: \_\_\_\_\_

\_\_\_\_\_  
City State

Fiscal: \_\_\_\_\_  
Approval as to Availability of Funds

By: \_\_\_\_\_  
Florida Licensed Insurance Agent or Date  
Attorney-In-Fact (Signature)

Countersigned: \_\_\_\_\_  
Florida Licensed Insurance Agent Date

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**CONTRACT RENEWAL**

375-020-23  
CONTRACTS ADMINISTRATION  
OGC - 04/06

Contract No.: ARM96 Renewal: (1st, 2nd, etc.) 1st  
Financial Project No(s): 252372-2-78-02  
County(ies): Miami-Dade

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between the State of Florida Department of Transportation, hereinafter called "Department", and Village of Biscayne Park, 893 NE 114th St, Biscayne Park, FL 33161 hereinafter called "Contractor".  
(This date to be entered by DOT only.)

**WITNESSETH:**

WHEREAS, the Department and the Contractor heretofore on this 3 day of October, 2014 entered into an Agreement whereby the Department retained the Contractor to perform Maintenance of all landscaped and/or turfed areas within the right-of-way having the limits described by Exhibit 'B', of the original contract.  
(This date to be entered by DOT only)

\_\_\_\_\_ ; and

WHEREAS, said Agreement has a renewal option which provides for a renewal if mutually agreed to by both parties and subject to the same terms and conditions of the original Agreement;

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of the mutual benefits to flow each to the other, the parties agree to a renewal of said original Agreement for a period beginning the 14th day of October, 2015 and ending the 13th day of October, 2016 at a cost of \$ 1,415.88

All terms and conditions of said original Agreement shall remain in force and effect for this renewal.

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized officers on the day, month, and year set forth above.

Village of Biscayne Park  
Name of Contractor

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Contractor Name and Title

(BY: \_\_\_\_\_  
District Secretary or Designee (Signature)

BY: \_\_\_\_\_  
Authorized Signature

Title: \_\_\_\_\_

\_\_\_\_\_  
Name of Surety

(SEAL) Legal: \_\_\_\_\_

\_\_\_\_\_  
City State

Fiscal: \_\_\_\_\_  
Approval as to Availability of Funds

By: \_\_\_\_\_  
Florida Licensed Insurance Agent or Date  
Attorney-In-Fact (Signature)

Countersigned: \_\_\_\_\_  
Florida Licensed Insurance Agent Date

Contract No: ARM96

Financial Project No(s): 252372-2-78-02

Project Description: Turf and Landscape Maintenance Joint Participation Agreement

Vendor/Consultant acknowledges and agrees to the following:

Vendor/Consultant :

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/Consultant during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

Company/Firm: Village of Biscayne Park

Authorized Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Contract No: ARM96

Financial Project No(s): 252372-2-78-02

Project Description: Turf and Landscape Maintenance Joint Participation Agreement

Vendor/Consultant acknowledges and agrees to the following:

Vendor/Consultant :

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/Consultant during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

Company/Firm: Village of Biscayne Park

Authorized Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



# Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Ordinance 2015-04 – Proposed changes to Chapter 5 (swales and driveways)

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

---

## BACKGROUND

The Code Review Board has the responsibility of reviewing the Village's current code and to make recommendations and propose changes. After their dedicated review of Chapter 5 of the Land Development Code, the Board brought forward their proposed changes for the Commission's consideration. After numerous meetings and workshops with the Board and residents, the Village Commission reviewed and amended certain portions and at its July meeting, directed the Village Attorney to draft the Ordinance for first and second reading.

Ordinance 2015-04 includes the following:

- As is currently required, property owners are responsible for the maintenance of the swale in front of their property which includes maintenance of sod and landscaping, mowing and general edging, weeding, trimming, pruning and cleanup.
- Property owners are also responsible for the removal and associated costs of dead, diseased and/or fallen trees and any trees that may interfere with the right-of-way or otherwise pose a danger to the health, safety and welfare of the community.
- All properties will be required to have all vehicles park on an approved driveway surface (concrete, paver, brick, gravel, asphalt, cut stone or turf block). Properties that do not have an approved driveway surface will have two (2) years to obtain a permit.
- If a property currently has a driveway that is not on an approved surface, it may remain until a substantial portion (50% or greater) requires repair or an addition is added to the driveway.

This ordinance only includes certain portions of the proposed changes at this time. Additional changes will be reviewed and discussed once the Storm Water Master Plan has been completed.

August 4, 2015

Commission Agenda Report

Ordinance 2015-04 Chapter 5 (changes to swales and driveways)

**FISCAL / BUDGET IMPACT:**

Cost for advertisement for second reading of the Ordinance.

**STAFF RECOMMENDATION:**

Staff recommends approval of Ordinance 2015-04 at first reading.

**ATTACHMENTS**

- Ordinance 2015-04

1 **ORDINANCE NO. 2015-04**

2  
3 **AN ORDINANCE OF THE VILLAGE COMMISSION**  
4 **OF THE VILLAGE OF BISCAYNE PARK, FLORIDA**  
5 **AMENDING SECTION 5.3.4 OF THE LAND**  
6 **DEVELOPMENT CODE ENTITLED “OBJECTS IN**  
7 **THE RIGHT-OF-WAY” TO PROVIDE**  
8 **REGULATIONS PERTAINING TO THE SWALE**  
9 **AREA; AMENDING SECTION 5.6 OF THE LAND**  
10 **DEVELOPMENT CODE ENTITLED “OFF-STREET**  
11 **PARKING” TO PROVIDE REGULATIONS**  
12 **PERTAINING TO OFF-STREET PARKING;**  
13 **PROVIDING FOR CONFLICTS; PROVIDING FOR**  
14 **SEVERABILITY; PROVIDING FOR INCLUSION;**  
15 **PROVIDING FOR AN EFFECTIVE**

16  
17 WHEREAS, at the direction of the Village Commission, the Code Review Board  
18 reviewed Chapter 5 entitled “Transportation” of the Land Development Code; and

19  
20 WHEREAS, numerous meetings and workshops were held to discuss the proposed  
21 changes to Chapter 5 of the Land Development Code; and

22  
23 WHEREAS, the Village Commission finds it in the best interests of the Village to amend  
24 Sections 5.3.4 addressing objects in the right-of-way and swale area and to amend Section 5.6  
25 addressing off-street parking and to approve this ordinance, authorizing the LDC to be amended;

26  
27 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF**  
28 **THE VILLAGE OF BISCAYNE PARK, FLORIDA:**

29  
30 **Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as  
31 being true and correct and are hereby made a specific part of this Ordinance upon adoption  
32 hereof.

33  
34 **Section 2.** Section 5.3.4 of the Village of Biscayne Park Land Development Code,  
35 entitled “Objects in the right-of-way”, shall be amended to read as follows:

36  
37 **5.3.4 Landscaping and Objects in the swale area of the right-of-way.**

1  
2 \* \* \* \*

3  
4 (e) A combination of paving and sodding of rights-of-way shall be permitted  
5 provided the impervious section does not exceed forty (40) percent of the total area and such  
6 paved areas shall be kept in good condition.

7  
8 (f) Removal of obstructions by the Village: In the event any object or tree placed in  
9 the swale creates an emergency situation involving potential danger to the health, safety, and  
10 welfare of the community, the Village may perform removal operations immediately, thus  
11 eliminating the emergency, and may assess the cost of such removal against the adjacent  
12 property owner.

13  
14 (g) Removal of trees in the swale by the abutting property owner: Property owners  
15 must obtain a permit from the Village and Miami-Dade County to remove trees in the swale.

16  
17 (h) Property owner's responsibilities for maintenance: The property owner or  
18 resident living in the property shall be jointly and severally responsible for the maintenance of  
19 the swale area contiguous to their property. Maintenance shall include but not be limited to  
20 mowing the sod and performing general edging, weeding, trimming, pruning and cleanup  
21 activities. The landscaping and sod shall be maintained in good plant health. The landscaping  
22 shall be kept free of dead limbs and branches. No swale landscaping shall be maintained in such  
23 manner as to constitute a nuisance.

24  
25 (i) Property owners shall be responsible for the removal and costs of dead, diseased  
26 and/or fallen trees and any trees that may interfere with the right-of-way or otherwise pose a  
27 danger to the health, safety and welfare of the community.

28  
29  
30 **Section 3.** Section 5.6 of the Village of Biscayne Park Code of Ordinances, entitled  
31 “Off-street parking”, shall be amended to read as follows:  
32

1 **5.6. Off-street parking.**

2  
3 5.6.1 *Applicability.* Off-street parking facilities shall be provided ~~for~~ within the lot of all  
4 development properties within in the village pursuant to the requirements of this code. The  
5 facilities shall be maintained as long as the use exists that the facilities were designed to serve.

6  
7 (a) All vehicles must be parked on an approved driveway surface subject to the design  
8 standards set forth in Section 5.6.8.

9 1. Non-conforming properties that do not have an approved driveway surface shall  
10 have two (2) years from the date of enactment of this ordinance to have the  
11 compliant driveway installed and permitted.

12  
13 2. Existing non-conforming driveways permitted by the Village may remain unless a  
14 substantial portion, fifty (50) percent or greater, requires repair or an addition to  
15 the driveway occurs.

16  
17 3. When an approved driveway surface exists, all vehicles shall park on said  
18 driveway effective upon enactment of this ordinance.

19  
20 5.6.2 *Computation.* In the village hall, recreation area, church, the occupancy shall be based on  
21 the maximum capacity rating given the building by the fire marshal. Gross floor area shall be the  
22 sum of the gross horizontal area of all floors of a building measured from the exterior faces of  
23 the exterior walls.

24  
25 5.6.3 *Number of parking spaces required.* The table below specifies the required minimum  
26 number of off-street automobile parking spaces. The number of off-street parking spaces for uses  
27 not listed in the table shall be determined by the planning board. The term "tandem parking  
28 space" means a parking space that abuts a second parking space in such a manner that vehicular  
29 access to the second space can be made only through the abutting (tandem) space.

30  
31 TABLE INSET:

Use		Minimum Off-Street Parking Requirement	
(a)	Residential	Resident Parking	Visitor Parking
	Detached one-family:		
	1, 2 and 3 bedrooms	2 spaces/unit*	1 space/unit**
	4 bedrooms	3 spaces/unit*	1 space/unit**
	<del>Detached two-family</del> <u>Duplexes/attached and detached:</u>		
	<u>1, 2, 3 or more bedrooms</u>	2 spaces/unit*	0.5 spaces/unit**
(b)	Recreation <u>area</u> .		
	<del>Parks, Clubs:</del> <u>determined</u> by the planning board.		
(c)	Public assembly.		
(d)	Church: 1 space/3 seats or 1 space/35 square feet of gross <del>auditorium</del> floor area		
(e)	<u>Government buildings:</u> 1 space/300 square feet of gross floor area		

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13  
14

\* Resident parking spaces may be tandem.

\*\* If on-street parking is not permitted or is restricted on the unit's street frontage, then one visitor parking space shall be required. The visitor space shall be located not more than one hundred (100) feet from the unit's street frontage.

5.6.4 *Handicapped parking spaces.* Any parking area to be used by the general public shall provide suitable, marked and paved parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of F.S. §§ 316.1955, and 316.1956, or succeeding provisions. No parking spaces required for the handicapped shall be counted as a parking space in determining compliance with subsection 5.6.3, public uses, above, but ~~optional~~ supplemental spaces for the handicapped shall be counted. The parking and related features contained in the Department of Community Affairs, Florida

1 Board of Building, Codes and Standards, Accessibility Requirements Manual are hereby  
2 incorporated by reference into the village code.

3  
4 5.6.5 *Parking in medians prohibited.* No parking shall be allowed in median open spaces or  
5 median parkways.

6  
7 5.6.6 *Existing nonconforming minimum off-street parking requirements.* The number of off-  
8 {street} parking spaces existing on properties at the time of the adoption of this code, although  
9 such number does not conform to the minimum off-street parking requirements hereof, may be  
10 lawfully continued. However, all vehicles must be parked on an approved driveway surface  
11 consistent with Section 5.6.1.

12  
13 5.6.7 *Historic preservation exemption.* The preservation of any property that has been placed  
14 on the county or national register of historic places, shall be grounds for a grant by the planning  
15 review board of a reduction in, or complete exemption from, the parking requirements in  
16 subsection 5.6.3 of this chapter.

17  
18 5.6.8 *Design standards for off-street parking.* Except as provided herein, all required off-street  
19 parking spaces and the use they are intended to serve shall be located on the same parcel. The  
20 size and layout of these spaces shall be according to the Miami-Dade County Code and Public  
21 Works Manual, Metro Miami-Dade County. Vehicles shall be parked on impervious or pervious  
22 surfaces but impervious areas shall not exceed forty (40) percent of the front yard, excluding the  
23 right-of-way. Off-street parking (within the lot lines of all properties) shall only be permitted on  
24 approved surfaces by the Village of Biscayne Park. In no circumstances shall grass or sod be an  
25 approved surface.

- 26  
27 a. All driveways shall be of approved materials except as otherwise provided below.  
28  
29 b. All driveways must have an improved approach across the swale which shall meet  
30 the minimum standard of gravel construction.  
31

- 1 c. All driveways shall be no closer than thirty (30) inches from side property line  
2 unless exempted below in subsection (d).  
3
- 4 d. All non-conforming driveways, as related to setback, shall come into compliance  
5 when there is a change in driveway material or the installation of a new driveway.  
6 If a determination is made by the Village Manager or designee that adhering to  
7 the setback would make the driveway non-functional, the Village Manager may  
8 waive this requirement in writing.  
9
- 10 e. Driveways shall only be constructed with the following materials; concrete, paver,  
11 brick, gravel, asphalt, cut stone or turf block.  
12
- 13 f. Gravel driveways shall be built with a permanent perimeter border consisting of  
14 suitable material as approved by Village staff a minimum of four (4) inches deep  
15 with the width of the border being sixteen inches (16") immediately adjacent to  
16 the road perimeter and four inches (4") along the entire length of both edges of  
17 the driveway.  
18
- 19 g. Construction of a portion of a driveway in the swale or right-of-way, such as the  
20 apron and driveway approach, shall require the property owner to indemnify, hold  
21 harmless, and defend the Village from any and all actions, caused by, resulting  
22 from, or in any way associated with the proposed work within the Village right-  
23 of-way on a form provided by the Village.  
24

25 **Section 4.** **Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts  
26 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.  
27

28 **Section 5.** **Severability.** The provisions of this Ordinance are declared to be  
29 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason  
30 be held to be invalid or unconstitutional, such decision shall not affect the validity of the  
31 remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in

1 effect, it being the legislative intent that this Ordinance shall stand notwithstanding the  
2 invalidity of any part.

3  
4 **Section 6. Codification.** It is the intention of the Village Commission of the Village of  
5 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code  
6 of Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance  
7 may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"  
8 "Article" or other word or phrase in order to accomplish such intention.

9  
10 **Section 7. Effective Date.** This Ordinance shall be effective upon adoption on  
11 second reading.

12  
13 The foregoing Ordinance was offered by \_\_\_\_\_, who moved its adoption. The  
14 motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as  
15 follows:

16  
17 PASSED AND ADOPTED upon first reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

18 PASSED AND ADOPTED upon second reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

19  
20 The foregoing ordinance upon being put to a  
21 vote, the vote was as follows:

22  
23 \_\_\_\_\_  
24 David Coviello, Mayor

25 Attest:

26  
27  
28  
29 \_\_\_\_\_  
30 Maria C. Camara, Village Clerk

31 Approved as to form:

32  
33  
34  
35 \_\_\_\_\_  
36 John J. Hearn, Village Attorney

Mayor Coviello: \_\_\_\_  
Vice Mayor Anderson: \_\_\_\_  
Commissioner Jonas: \_\_\_\_  
Commissioner Ross: \_\_\_\_  
Commissioner Watts: \_\_\_\_



# Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Ordinance 2015-05 – Allow a variance for roof materials

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

---

## **BACKGROUND**

Currently section 10.4.6 of the Village's Land Development Code covering roof materials does not allow for a variance from any of the provisions listed. Upon review of the current language and under the advisement of the Village Attorney, this Ordinance proposes to remove the blanket prohibition.

## **FISCAL / BUDGET IMPACT**

Cost for advertisement for second reading of the Ordinance.

## **STAFF RECOMMENDATION**

Staff recommends approval of Ordinance 2015-05 at first reading.

## **ATTACHMENTS**

- Ordinance 2015-05



1       \* \* \* \*

2  
3       ~~(g) — No variances from any of these provisions shall be granted.~~

4  
5       **Section 3.**     **Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts  
6 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

7  
8       **Section 4.**     **Severability.** The provisions of this Ordinance are declared to be  
9 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason  
10 be held to be invalid or unconstitutional, such decision shall not affect the validity of the  
11 remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in  
12 effect, it being the legislative intent that this Ordinance shall stand notwithstanding the  
13 invalidity of any part.

14  
15       **Section 5.**     **Codification.** It is the intention of the Village Commission of the Village of  
16 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code  
17 of Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance  
18 may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"  
19 "Article" or other word or phrase in order to accomplish such intention.

20  
21       **Section 6.**     **Effective Date.** This Ordinance shall be effective upon adoption on  
22 second reading.

23  
24 The foregoing Ordinance was offered by \_\_\_\_\_, who moved its adoption. The  
25 motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as  
26 follows:

1 PASSED AND ADOPTED upon first reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

2 PASSED AND ADOPTED upon second reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

3

4

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The foregoing ordinance upon being put to a vote, the vote was as follows:

Mayor Coviello: \_\_\_\_

Vice Mayor Anderson: \_\_\_\_

Commissioner Jonas: \_\_\_\_

Commissioner Ross: \_\_\_\_

Commissioner Watts: \_\_\_\_

\_\_\_\_\_  
David Coviello, Mayor

Attest:

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney



# Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Resolution 2015-41: 2015 Florida League of Cities Proposed By-Law Amendment and Proposed Resolutions

**Prepared By:** Heidi Siegel, AICP, Village Manager

**Sponsored By:** Staff

---

## **BACKGROUND**

At its July meeting, the Village Commission selected Mayor David Coviello to serve as a voting delegate at the 89<sup>th</sup> Annual Florida League of Cities Conference.

The attached packet includes a proposed amendment to the Florida League of Cities By-laws and proposed Resolutions that are to be voted on by the voting delegates at the Business Session.

These items are provided to the Village Commission for their consensus.

## **ATTACHMENT**

- Resolution 2015-41
- Florida League of Cities 2015 Proposed By-law Amendments and Proposed Resolutions

1  
2  
3 **RESOLUTION NO. 2015-41**  
4

5 **A RESOLUTION OF THE VILLAGE**  
6 **COMMISSION OF THE VILLAGE OF**  
7 **BISCAYNE PARK, FLORIDA,**  
8 **SUPPORTING THE PROPOSED**  
9 **RESOLUTIONS FOR CONSIDERATION BY**  
10 **THE RESOLUTIONS COMMITTEE BEING**  
11 **PRESENTED AT THE LEAGUE'S 89<sup>TH</sup>**  
12 **ANNUAL CONFERENCE ON AUGUST 13-**  
13 **15, 2015; PROVIDING FOR AN EFFECTIVE**  
14 **DATE**  
15

16  
17 WHEREAS, the Resolutions Committee of the Florida League of Cities is charged with  
18 considering official resolutions relating principally to constitutional, congressional and  
19 commemorative issues; and,  
20

21 WHEREAS, resolutions have been proposed that are being submitted for consideration  
22 by the Committee during the League's 89<sup>th</sup> Annual Conference being held on August 13-15,  
23 2015, which are then forwarded to the League's membership to vote on with the committee's  
24 recommendation; and,  
25

26 WHEREAS, Mayor David Coviello was selected as the voting delegate to represent the  
27 Village of Biscayne Park; and,  
28

29 WHEREAS, the Village Commission of the Village of Biscayne Park support the  
30 proposed resolutions for consideration by the Review Committee of the Florida League of  
31 Cities.  
32

33  
34 NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF  
35 THE VILLAGE OF BISCAYNE PARK, FLORIDA:  
36

37  
38 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as  
39 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.  
40

41 **Section 2.** The Village Commission of the Village of Biscayne Park support the  
42 proposed resolutions for consideration by the Review Committee of the Florida League of  
43 Cities during the League's 89<sup>th</sup> Annual Conference being held on August 13-15, 2015.  
44

45 **Section 3.** This Resolution shall become effective upon adoption.  
46  
47

1 PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**The foregoing resolution upon being  
put to a vote, the vote was as follows:**

\_\_\_\_\_  
David Coviello, Mayor

Attest:

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney

Mayor Coviello: \_\_\_\_  
Vice Mayor Anderson: \_\_\_\_  
Commissioner Jonas: \_\_\_\_  
Commissioner Ross: \_\_\_\_  
Commissioner Watts: \_\_\_\_



# Florida League of Cities, Inc.

TO: Key Officials

FROM: Michael Sittig, Executive Director 

DATE: July 14, 2015

SUBJECT: **PROPOSED AMENDMENT TO FLORIDA LEAGUE OF CITIES' BY-LAWS**

As required by Article VII of the charter of the Florida League of Cities, this letter serves as official notification of a proposed amendment to the League's by-laws.

Article II – Board of Directors, Section 5C(2): Each district shall be apportioned into one or more Board seats representing a reasonably equal municipal population within the several districts for each individual Board seat, as determined by the official federal decennial census, but excluding the population of the ten (10) most populous cities in the state.

Districts established pursuant to Subsections (B) & (C) of this Article shall take effect no later than the second annual membership meeting following each official federal decennial census. The Board of Directors may reapportion Board seats after the initial reapportionment to address federal census population corrections that result in unintended consequences.

The Board of Directors of the Florida League of Cities convened the 2014/2015 Governance Committee to consider whether minor changes in municipal population should affect the reapportionment of board seats after they have been apportioned and whether the reapportionment process should

take place more often than once every 10 years. Following considerable discussion, the Governance Committee recommended the Board ask the membership to amend the League's by-laws as presented above.

Consideration of this by-laws change will take place during the regular annual business session of the Florida League of Cities on Saturday, August 15, 2015 at 9:00 a.m. at the World Center Marriott in Orlando, Florida. This business session will be held in conjunction with the Annual Conference of the Florida League of Cities scheduled at the same location August 13 - 15, 2015.

Please advise the members of your governing body of this proposal (especially your Florida League of Cities' voting delegate). We have attached a voting delegate form if you need one.

If you have any questions please feel free to call me at 1-800-342-8112. Thank you for your assistance in this matter. We look forward to seeing you and other representatives from your city at our annual conference next month.

Attachment

cc: FLC Board of Directors



---

## Memorandum

To: Key Officials

From: Michael Sittig, Executive Director

Re: Transmittal of the 2015 Proposed Resolutions

Date: July 15, 2015

Attached are the proposed resolutions that are being submitted for consideration by the FLC Resolutions Committee, which will convene on Friday, August 14, from 8:30 a.m. until 9:30 a.m., in conjunction with the League's Annual Conference at the World Center Marriott, Orlando, Florida.

The Resolutions Committee is charged with considering official resolutions relating principally to constitutional, congressional and commemorative issues. The committee will review and vote on each resolution and then forward the committee's recommendations to the League's membership at the Business Session, which will take place on Saturday, August 15, at 9:00 a.m.

It is at the Business Session where the League's voting delegates vote on the Report of the Resolutions Committee. **Please forward this packet to your city's voting delegate in preparation for the Business Session.** Please note proposed resolutions are subject to change by the Resolutions Committee.

Proposed resolutions may also be submitted directly to the Resolutions Committee or the Business Session. These resolutions will be considered late-filed and will require a favorable two-thirds vote of the committee or the voting delegates, respectively, in order for them to be considered. Therefore, additional resolutions may be proposed at the conference.

Should you have any questions, please contact Allison Payne at the League office at (850) 701-3602 or e-mail: [apayne@flcities.com](mailto:apayne@flcities.com).

Attachments



**89th Annual Conference**  
**August 13-15, 2015**

**Proposed  
Resolutions**

**World Center Marriott  
8701 World Center Drive  
Orlando, FL 32821**

**Phone: (407) 239-4200**

# 2015 RESOLUTIONS COMMITTEE

**Chair:** Mayor Susan Haynie, City of Boca Raton  
First Vice President, Florida League of Cities

**Vice Chair:** Commissioner Phillip Walker, City of Lakeland

## LOCAL AND REGIONAL LEAGUE REPRESENTATIVES

Louie Davis, Mayor, City of Waldo  
Past President, Alachua County League of Cities

Billy Rader, Commissioner, City of Panama City  
President, Bay County League of Cities

Greg Ross, Mayor, City of Cooper City  
First Vice President, Broward County League of Cities

Michael Holland, Vice Mayor, City of Eustis  
President, Lake County League of Cities

Jack Duncan, Mayor, Town of Longboat Key  
Immediate Past President, Manasota League of Cities

Jon Burgess, Councilman, City of Homestead  
President, Miami-Dade County League of Cities

Jim Renninger, Councilman, Town of Orange Park  
President, Northeast Florida League of Cities

Ruth Sykes, Councilmember, City of Mary Esther  
President, Northwest Florida League of Cities

Shannon Hayes, Council Member, City of Crestview  
Past President, Okaloosa County League of Cities

Dawn Pardo, Council Chair, City of Riviera Beach  
President, Palm Beach County League of Cities

Collins Smith, Vice Mayor, City of Mulberry  
President, Ridge League of Cities

Mick Denham, Vice Mayor, City of Sanibel  
President, Southwest Florida League of Cities

William Capote, Mayor, City of Palm Bay  
Second Vice President, Space Coast League of Cities

Jack Nazario, Vice Mayor, City of Belleair Bluffs  
President, Suncoast League of Cities

Jim Catron, Mayor Pro Tem, City of Madison  
President, Suwannee River League of Cities

Richard Gillmor, Mayor, City of Sebastian  
President, Treasure Coast League of Cities

Ray Bagshaw, Mayor, City of Edgewood  
President, Tri-County League of Cities

Bill Partington, Deputy Mayor, City of Ormond Beach  
President, Volusia League of Cities

## **FLC POLICY COMMITTEE REPRESENTATIVES**

Stephany Eley, Councilmember, City of West Melbourne  
Chair, Energy, Environment and Natural Resources Committee

Jim Norton, Commissioner, City of Weston  
Chair, Finance, Taxation & Personnel Committee

Prebble Ramswell, Councilwoman, City of Destin  
Chair, Growth Management and Economic Affairs Committee

Jose Alvarez, Commissioner, City of Kissimmee  
Chair, Transportation and Intergovernmental Relations Committee

Dan Daley, Commissioner, City of Coral Springs  
Chair, Urban Administration Committee

Teresa Heitmann, Council Member, City of Naples  
Chair, Federal Action Strike Team

## **MUNICIPAL ASSOCIATION REPRESENTATIVES**

Greg Yantorno, CBO, Building Official, Sarasota County  
President, Building Officials Association of Florida

Tracy Ackroyd, MMC, City Clerk, City of Clermont  
President, Florida Association of City Clerks

Michael Pleus, City Manager, City of DeLand  
President, Florida City & County Management Association

Gary Ballard, Fire Chief, Lakeland Fire Department  
President, Florida Fire Chiefs' Association

Anthony A. Garganese, Municipal Attorney, Cape Canaveral, Cocoa, Orchid and Winter Springs  
President, Florida Municipal Attorneys Association

Brett Railey, Chief of Police, City of Winter Park  
President, Florida Police Chiefs' Association

Gus Gianikas, Assistant Director/Planning & Development, City of Mount Dora  
President, Florida Redevelopment Association

Barry Skinner, Deputy Director/Finance & Accounting, Orange County  
President, Florida Government Finance Officers Association

Denise Perez, Human Resources Director, City of Naples  
President, FL Public Employer Labor Relations Association

Ned Huhta, IT Director, City of Ormond Beach  
President, Florida Local Government Information Systems Association

## **FLC-SPONSORED PROGRAM REPRESENTATIVES**

Kevin Ruane, Mayor, City of Sanibel  
Chairman, Florida Municipal Insurance Trust  
Isaac Salver, Councilmember, Town of Bay Harbor Islands  
Chairman, Florida Municipal Loan Council  
Bill Arrowsmith, Vice Mayor, City of Apopka  
Chair, Florida Municipal Investment Trust  
Dominick Montanaro, Vice Mayor, City of Satellite Beach  
Chair, Florida Municipal Pension Trust  
Frank Ortis, Mayor, City of Pembroke Pines  
Chair, Florida Municipal Construction Insurance Trust

## **AT LARGE MEMBERS**

Michael Beedie, City Manager, City of Fort Walton Beach  
Scott Black, Commissioner, City of Dade City  
Ben Boukari, Vice Mayor, City of Alachua  
Marlon Brown, Deputy City Manager, City of Sarasota  
Ken Buchman, City Attorney, City of Plant City  
Justin Campbell, Commissioner, City of Palatka  
Manny Cid, Vice Mayor, Town of Miami Lakes  
Tom Cloud, City Attorney, City of Fort Meade  
Bill Colbert, City Attorney, City of Sanford  
Lenny Curry, Mayor, City of Jacksonville  
Sam Ferreri, Mayor, City of Greenacres  
Frank Gumme, City Attorney, City of New Smyrna Beach  
Linda Hudson, Mayor, City of Fort Pierce  
Craig Leen, City Attorney, City of Coral Gables  
Cindy Lerner, Mayor, Village of Pinecrest  
Jan McLean, Asst. City Attorney, City of Tampa  
Wayne Messam, Mayor, City of Miramar  
Helen Miller, Councilmember, Town of White Springs  
Margaret Roberts, City Attorney, City of Port Orange  
Mark Ryan, City Manager, City of Indian Harbour Beach  
Jack Seiler, Mayor, City of Fort Lauderdale  
Mike Staffopoulos, Assistant City Manager, City of Largo  
Jamie Titcomb, Town Manager, Town of Melbourne Beach  
P.C. Wu, Council Member, City of Pensacola

**Procedures for Submitting Resolutions**  
**Florida League of Cities' 89<sup>th</sup> Annual Conference**  
**World Center Marriott, Orlando, Florida**  
**August 13 – 15, 2015**

In order to fairly systematize the method for presenting resolutions to the League membership, the following procedures have been instituted:

- (1) Proposed resolutions must be submitted in writing, to be received in the League office by July 8, 2015, to guarantee that they will be included in the packet of proposed resolutions that will be submitted to the Resolutions Committee.
- (2) Proposed resolutions will be rewritten for proper form, duplicated by the League office and distributed to members of the Resolutions Committee. (Whenever possible, multiple resolutions on a similar issue will be rewritten to encompass the essential subject matter in a single resolution with a listing of original proposers.)
- (3) Proposed resolutions may be submitted directly to the Resolutions Committee at the conference; however, a favorable two-thirds vote of the committee will be necessary to consider such resolutions.
- (4) Proposed resolutions may be submitted directly to the business session of the conference without prior committee approval by a vote of two-thirds of the members present. In addition, a favorable weighted vote of a majority of members present will be required for adoption.
- (5) Proposed resolutions relating to state legislation will be referred to the appropriate standing policy committee. Such proposals will not be considered by the Resolutions Committee at the conference; however, all state legislative issues will be considered by the standing policy committees and the Legislative Committee, prior to the membership. At that time, a state Legislative Action Agenda will be adopted.
- (6) Proposed resolutions must address either federal issues, state constitutional issues, matters directly relating to the conference, matters recognizing statewide or national events or service by League officers. All other proposed resolutions will be referred for adoption to either the Florida League of Cities Board of Directors or FLC President.

Municipalities unable to formally adopt a resolution before the deadline may submit a letter to the League office indicating their city is considering the adoption of a resolution, outlining the subject thereof in as much detail as possible, and this letter will be forwarded to the Resolutions Committee for consideration in anticipation of receipt of the formal resolution.

## **Proposed Florida League of Cities 2015 Resolutions**

1. City of Miramar
2. Florida City Government Week
3. Voting Rights Act
4. U.S. Department of Housing and Urban Development
5. Village of Estero
6. City of St. Augustine
7. Remote Transactions Parity Act
8. Municipal Financing
9. Tax on Internet Access
10. Transportation Funding
11. Community Development Block Grant Program
12. FEMA De-obligations
13. Solar Power Proposed Constitutional Amendment

# 1. City of Miramar

2015-01

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC.,  
EXPRESSING APPRECIATION TO MIRAMAR, FLORIDA, FOR ITS  
SUPPORT OF LORI MOSELEY AS PRESIDENT OF THE FLORIDA  
LEAGUE OF CITIES.

WHEREAS, Lori Moseley, former mayor of Miramar, Florida, served as the president of the Florida League of Cities from 2014 through 2015; and

WHEREAS, the citizens, commissioners and staff of Miramar were most understanding of the demands placed upon Mayor Moseley in her role as president of the League; and

WHEREAS, during her presidency, Mayor Moseley focused on helping municipal officials become more engaged with the millennial generation to encourage these young adults to learn more about the vital role cities play in their everyday lives; and

WHEREAS, the membership and staff of the League recognize the commitment of the City of Miramar to President Moseley's presidency assured her active participation in League activities and unselfish service to the League, and permitted her to successfully promote the programs, projects and philosophy of the League while she was mayor; and

WHEREAS, the membership and staff of the League also wish to recognize and personally thank Shari Covington, administrative assistant to the mayor, and the dedicated Miramar city staff for their efforts in providing outstanding assistance to President Moseley and the FLC staff in coordinating President Moseley's duties with the city and with the Florida League of Cities. Ms. Covington and the staff went above and beyond the call of duty, and their outstanding contributions to this effort are applauded and greatly appreciated.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities' membership and staff do officially and personally appreciate the commitment Miramar's citizens, commissioners and staff made to Mayor Moseley's presidency.

Section 2. That a copy of this resolution be presented to the City of Miramar.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89<sup>th</sup> Annual Conference, at the World Center Marriott, Orlando, Florida, this 15<sup>th</sup> Day of August 2015.

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Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

ATTEST: \_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: FLC Staff

## 2. Florida City Government Week

2015-02

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC., RECOGNIZING THE WEEK OF OCTOBER 18-24 AS "FLORIDA CITY GOVERNMENT WEEK," AND ENCOURAGING ALL FLORIDA CITY OFFICIALS TO SUPPORT THIS CELEBRATION BY PARTICIPATING IN THE "MY CITY: I'M PART OF IT, I'M PROUD OF IT!" ACTIVITIES.

WHEREAS, city government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

WHEREAS, Florida City Government Week is a very important time to recognize the significant role played by city government in our lives; and

WHEREAS, Florida City Government Week offers a great opportunity to spread the word to all Floridians that they can shape and influence this branch of government, which is closest to the people; and

WHEREAS, the Florida League of Cities and its member cities have joined together to teach students and other citizens about municipal government through a variety of different projects and information.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc., encourages all city officials, city employees, school officials and citizens to participate in events that recognize Florida City Government Week and to celebrate it throughout Florida.

Section 2. That the Florida League of Cities, Inc., supports and encourages all city governments to promote, sponsor and participate in "My City: I'm Part of It, I'm Proud of It!"

Section 3. That a copy of this resolution be provided to Florida Governor Rick Scott, the Florida Cabinet, Florida School Boards Association and the membership of the Florida League of Cities, Inc.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89<sup>th</sup> Annual Conference, at the World Center Marriott, Orlando, Florida, this 15<sup>th</sup> Day of August 2015.

2015-03

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC.,  
RECOGNIZING THE 50th ANNIVERSARY OF THE VOTING RIGHTS ACT  
AND ENCOURAGING CITY OFFICIALS TO CONTINUE TO ADVANCE THE  
CAUSE OF VOTER EQUALITY AND EQUAL ACCESS TO THE POLITICAL  
PROCESS.

WHEREAS, on August 6, 1965, President Lyndon B. Johnson signed into law the Voting Rights Act of 1965, a landmark piece of federal legislation Congress later amended five times to expand its protections; and

WHEREAS, in 1868, Congress ratified the right to equal protection under the law with the 14<sup>th</sup> Amendment, and in 1870, it ratified the 15th Amendment, which declared the right to vote shall not be denied or abridged on the basis of race, color or previous condition of servitude; and

WHEREAS, between 1870 and 1965, African Americans faced discriminatory barriers such as poll taxes, literacy tests, vouchers of “good character,” disqualification for “crimes of moral turpitude,” and other unscrupulous tactics intended to keep them from the polls on Election Day; and

WHEREAS, by 1910, violence and discrimination resulted in most African American citizens being disenfranchised and removed from the voter rolls in the former Confederate States, negatively impacting the promise of equal protection under the law; and

WHEREAS, other people of color (Native American, Latino and Asian American/Pacific Islander) also have experienced similar attempts to disenfranchise citizens in their communities throughout the United States; and

WHEREAS, by 1965, efforts to break the grip of state disenfranchisement had achieved only modest success overall and in some areas were almost entirely ineffectual, and numerous acts of violence and terrorism, as well as the murder of voting-rights activists in Philadelphia and Mississippi gained national attention; and

WHEREAS, the unprovoked attack on March 7, 1965, known as *Bloody Sunday*, by state troopers on peaceful marchers in Selma, Alabama, who were en route to the state capitol in Montgomery, persuaded President Lyndon B. Johnson and the U.S. Congress to overcome Southern legislators' resistance to effective voting rights legislation and was the impetus for hearings on the bill that would become the Voting Rights Act; and

WHEREAS, often regarded as one of the most effective civil rights laws, the Voting Rights Act was passed with the intent to ban discriminatory voting policies at all levels of government; and

WHEREAS, the Voting Rights Act is credited for the enfranchisement of millions of minority voters, as well as the diversification of the electorate and legislative bodies throughout all levels of government.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc., encourages all city officials and residents to recognize the importance of the Voting Rights Act and continue to help advance the cause of voter equality and equal access to the political process for all people in order to protect the rights of every American.

Section 2. That the Florida League of Cities, Inc., further encourages city officials and residents to continue to educate the next generation about the importance of civic engagement in our communities.

Section 3. That a copy of this resolution be provided to the membership of the Florida League of Cities, Inc.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89th Annual Conference, at the World Center Marriott, Orlando, Florida, this 15th Day of August 2015.

\_\_\_\_\_  
Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

ATTEST: \_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: FLC Staff

4. U.S. Department of Housing  
and Urban Development

2015-04

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC.,  
RECOGNIZING THE U.S. DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT FOR ITS 50<sup>TH</sup> ANNIVERSARY ON SEPTEMBER 9, 2015.

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) was created on September 9, 1965 as part of an initiative that was started under President John F. Kennedy and later completed by President Lyndon B. Johnson; and

WHEREAS, HUD will celebrate its 50<sup>th</sup> Anniversary on September 9, 2015; and

WHEREAS, HUD began as the consolidation of five existing independent federal housing and community development agencies: the Federal Housing Administration; the Public Housing Administration; the Federal National Mortgage Association (Fannie Mae); the Urban Renewal Administration; and the Community Facilities Administration; and

WHEREAS, over the last 50 years, HUD has had many outstanding achievements, which include:

Homeownership - Since 1934, the Federal Housing Administration and HUD have insured more than 44 million home mortgages and approximately 50,000 multifamily project mortgages;

Public and Assisted Housing - In the last 20 years alone, HUD has provided housing assistance to more than 35 million individuals through the Public Housing, Housing Choice Voucher (Section 8), Project Base Rental Assistance, Section 202 (Supportive Housing for the Elderly), and Section 811 (Supportive Housing for Persons with Disabilities) programs;

Affordable Housing Creation - HUD's HOME Investment Partnerships Program, which produces affordable housing for low-income families, has assisted more than 600 communities with almost 500,000 units for first time homebuyers. In addition, HOME has assisted nearly 300,000 tenants in obtaining direct rental assistance;

Native American Housing - HUD has funded nearly 87,000 housing units on Indian reservations and tribal areas. Housing produced through HUD programs now provides shelter for a quarter of Native Americans living on reservations and tribal areas;

Community Development - Since its inception in 1974, HUD's Community Development Block Grant (CDBG) Program has awarded more than \$144 billion to state and local governments to target their own community development priorities. This funding has gone toward the rehabilitation of affordable housing, the construction of public facilities, and the creation of job growth and business opportunities; and

Homelessness Initiatives - Since the passage of the Stewart B. McKinney Homeless Assistance Act in 1987, HUD has awarded more than \$14 billion to thousands of local housing and service programs around the U.S. to combat homelessness.

WHEREAS, HUD has been an important federal agency for cities and has provided resources and technical support, often on a city-by-city basis.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc., commends HUD for its impressive achievements and its dependable support of cities across the nation.

Section 2. That a copy of this resolution be provided to HUD Secretary Julian Castro, the Florida Congressional Delegation and the membership of the Florida League of Cities, Inc.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89<sup>th</sup> Annual Conference, at the World Center Marriott, Orlando, Florida, this 15<sup>th</sup> Day of August 2015.

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Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

ATTEST: \_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: FLC Staff

## 5. Village of Estero

2015-05

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC.,  
RECOGNIZING THE NEW VILLAGE OF ESTERO AND  
CONGRATULATING THE NEWEST MUNICIPALITY IN FLORIDA  
UPON ITS SUCCESSFUL INCORPORATION IN 2014.

WHEREAS, the citizens of the Village of Estero by referendum voted to incorporate in 2014 under the provisions of Florida law; and

WHEREAS, by incorporating, the Village of Estero will henceforth have all municipal powers allowed by the Florida Constitution and Laws of Florida to promptly respond to the needs and conveniences of its citizens, and will be the government closest to its citizenry; and

WHEREAS, Section 2 of Article VIII, Florida Constitution (1968), establishes Home Rule for municipalities by granting them “governmental, corporate and proprietary powers...to conduct municipal government, perform municipal functions and render municipal services...”; and

WHEREAS, the newly elected council for Estero is also congratulated upon their respective elections, and its newest staff appointments are also herein honored for being the inaugural elected and appointed officials to represent the new village; and

WHEREAS, this most recent incorporation furthers the positive elements of self-governance and Home Rule philosophies, and the Florida League of Cities desires to applaud these actions.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the League proudly acknowledges the municipal incorporation of the Village of Estero and welcomes its addition to the League’s municipal family.

Section 2. That the citizens of the Village of Estero are commended for their desire to incorporate as a municipality and to thereby assume the responsibility of self-governance.

Section 3. That a copy of this resolution will be presented to the Village of Estero.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League’s 89<sup>th</sup> Annual Conference, at the World Center Marriott, Orlando, Florida, this 15<sup>th</sup> Day of August 2015.

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Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

ATTEST: \_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: FLC Staff

## 6. City of St. Augustine

2015-06

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC.,  
RECOGNIZING THE 450<sup>TH</sup> ANNIVERSARY OF ST. AUGUSTINE'S  
FOUNDING AND HONORING THE CITY OF ST. AUGUSTINE FOR ITS  
HISTORIC FOUNDER'S DAY ANNIVERSARY.

WHEREAS, on September 8, 1565, Spanish admiral and Florida's first governor, Don Pedro Menéndez de Avilés claimed "San Augustin" for the King of Spain, making the City of St. Augustine the oldest continuously occupied European settlement in the United States of America; and

WHEREAS, Don Pedro Menéndez de Avilés named the settlement San Agustín, as his ships, bearing settlers, troops, and supplies from Spain, first sighted land in Florida on August 28, 1565, the feast day of Saint Augustine; and

WHEREAS, the City of St. Augustine served as the capital of Spanish Florida for more than 200 years, and remained the capital of East Florida when the territory briefly changed hands between Spain and Britain; and

WHEREAS, St. Augustine was the capital of the Florida Territory when Florida was purchased by the United States in 1819 until 1824, when Tallahassee was designated as the capital; and

WHEREAS, St. Augustine was first incorporated in 1824 and recognized by Territorial Governor Andrew Jackson as a functioning municipality from the territory's beginnings; and

WHEREAS, the year 2015 is the 450th anniversary of the founding of St. Augustine, which is a milestone achievement.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc., congratulates the City of St. Augustine on its 450<sup>th</sup> Founder's Day.

Section 2. That a copy of this resolution be provided to the City of St. Augustine.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89<sup>th</sup> Annual Conference, at the World Center Marriott, Orlando, Florida, this 15<sup>th</sup> Day of August 2015.

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Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

ATTEST: \_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: City of St. Augustine



# City of St. Augustine



La Lealísima y Valerosa Ciudad de San Agustín de la Florida

1565 - 2015

## RESOLUTION

*WHEREAS*, on the 8<sup>th</sup> day of September, in the year of our Lord fifteen hundred and sixty five, Pedro Menendez de Aviles, by the act of claiming this land for the King of Spain, founded San Augustin, in La Florida, the oldest continuously occupied European settlement in the land to become the United States of America; and

*WHEREAS*, it is fitting that the events of that historic occasion be observed and re-created in the manner recorded four hundred and forty nine years ago; and

*WHEREAS*, on the 8th of September, 1565, a solemn Mass was offered on these grounds by Father Francisco Lopez de Mendoza Grajales, thus founding the parish of Saint Augustine and establishing Christianity in these lands; and

*WHEREAS*, September 8, 2015 marks the Four Hundred and Fiftieth Anniversary of the founding of St. Augustine.

*NOW, THEREFORE*, the City Commission of the City of St. Augustine does hereby proclaim September 8, 2015 as **FOUNDER'S DAY**, in commemoration of the 450th Anniversary of the Founding of St. Augustine, Our Nation's Oldest City. And further, in celebration of this 450th Anniversary, we urge all our citizens to participate in the festivities and commemoration of this singular event.

*IN WITNESS WHEREOF* I hereunto set my hand and do cause the Seal and Title of the "Most Loyal and Valorous City" bestowed by His Majesty King Philip V in 1715 – to be affixed hereon, this 8th day of September in the year of our Lord two thousand and fifteen.

2015-15

Nancy E. Shaver, **MAYOR**

"Most Loyal and Valorous"

Title conferred upon the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715

## 7. Remote Transactions Parity Act

2015-07

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC.,  
URGING CONGRESS TO PASS LEGISLATION THAT WOULD  
GRANT STATES THE AUTHORITY TO COMPEL ONLINE AND  
CATALOG RETAILERS TO COLLECT SALES TAX.

WHEREAS, the use of the Internet as a way to purchase goods and services has been steadily increasing over the past decade; and

WHEREAS, as the result of court decisions and congressional inaction, many online and catalog retailers are not obligated to collect sales taxes from consumers; and

WHEREAS, this tax loophole is unfairly advantageous toward online and catalog retailers and results in both the loss of tax revenue for state and local governments and market conditions that are unfavorable for Main Street and "brick and mortar" small businesses; and

WHEREAS, the Streamlined Sales Tax Project was created in 1999 to assist states in administering a simpler and more uniform sales and use tax system; and

WHEREAS, to date, 44 states, including Florida, have approved the Streamlined Sales and Use Tax Agreement (SSUTA), which sets the minimum sales and use tax statutory simplifications required of any state desiring to participate in the simplified system and minimizes cost and administrative burdens on retailers; and

WHEREAS, 24 of those states, not including Florida, have modernized their sales and use tax statutes to conform to the requirements of the SSUTA; and

WHEREAS, Congressman Jason Chaffetz (R-3-Utah) recently introduced H.R. 2775, titled the Remote Transactions Parity Act (RTPA); and

WHEREAS, H.R. 2775 would create a framework for states to impose sales and use taxes on remote sellers.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc., urges Congress to support the RTPA, which would provide states the authority to enforce state and local sales and use tax laws in a fair and equitable manner to both in-state and out-of-state retailers.

Section 2. That the Florida League of Cities, Inc., expresses sincere appreciation to the Florida congress members who have signed on as co-sponsors of the RTPA, and urges the entire Florida Congressional Delegation to sign on as co-sponsors of the legislation.

Section 3. That the Florida League of Cities, Inc., urges the State of Florida to pass legislation needed to comply with the RTPA.

Section 4. That a copy of this resolution be provided to President Barack Obama, the Florida Congressional Delegation, the National League of Cities; Florida Governor Rick Scott and the membership of the Florida League of Cities, Inc.

Section 5. That this resolution shall become effective upon adoption and shall remain in effect until repealed and hereby repeals all conflicting resolutions.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89<sup>th</sup> Annual Conference, at the World Center Marriott, Orlando, Florida, this 15<sup>th</sup> Day of August 2015.

\_\_\_\_\_  
Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

ATTEST: \_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: FLC Staff



## Go Local: Close the Online Sales Tax Loophole

**NLC calls on Congress to close the online sales tax loophole. E-fairness legislation will:**

- Level the playing field between online and brick-and-mortar retailers.
- Not introduce any new taxes.
- Provide local governments with the resources they need to invest in communities, build infrastructure and provide important services like emergency response.

**\$23 billion dollars**

in owed sales tax go uncollected from online transactions every year.

The brick-and-mortar businesses in our cities strengthen our local economies, provide needed jobs, and give our streets character. Despite their necessity to our cities, they currently compete at a five to ten percent disadvantage to online sellers by collecting legally required sales tax at the time of purchase - something online retailers are not compelled to do. This imbalance hurts local businesses and our cities.

As more Americans shop online, more and more economic activity is diverted away from our communities. In 1992, the Supreme Court told Congress in its Quill decision to resolve the issue of sales tax collection by remote sellers. In the intervening years, Congress has failed to act, and the dollar value of sales conducted online has increased exponentially.

If main street retailers cannot keep up as a result of this growing disadvantage, the ripple effect in lost jobs and revenue will threaten our communities' sustainability.

Congress can fix this unfairness. E-fairness legislation would close the online sales tax loophole. This legislation would modernize the sales tax by authorizing states and local governments to collect already-owed sales taxes for online sales. This path will not harm small businesses, impose any new taxes, or affect federal revenues or expenditures.

By passing e-fairness legislation, Congress will level the playing field for all sellers and will provide fiscal relief for state and local governments without a penny coming from the federal Treasury. Allowing local governments to collect an estimated \$23 billion in sales tax revenue every year that is already owed provides cities with more funding for basic services, such as roads and police officers, and fair competition for all businesses.



301 South Bronough Street, Suite 300 ♦ Post Office Box 1757 ♦ Tallahassee, FL 32302-1757  
(850) 222-9684 ♦ Fax (850) 222-3806 ♦ Website: [www.floridaleagueofcities.com](http://www.floridaleagueofcities.com)

July 9, 2015

The Honorable John Mica  
U.S. House of Representatives, District 7  
2187 Rayburn House Office Building  
Washington, D.C. 20515-0907

Dear Representative Mica:

On behalf of the Florida League of Cities, we are writing to ask for your support and co-sponsorship of the Remote Transactions Parity Act (H.R. 2775). This bill will modernize our nation's outdated sales tax collection process.

The Remote Transactions Parity Act does not impose a new tax, but instead levels the playing field between online and brick-and-mortar stores by closing the online sales tax loophole. Sales taxes are owed on all purchases, and it is unfair for online retailers to skip collecting taxes, while the stores in our communities collect all owed taxes.

The Act will also provide local governments with the resources needed to invest in communities, build infrastructure and provide important services like emergency response. Every year in Florida, approximately \$1.4 billion in owed sales tax goes uncollected from online transactions; funds that cities cannot use on public safety, fixing sidewalks, building libraries, and many more services for their residents. Congress can give states and local governments the power to require sellers who do not have a physical presence in their jurisdiction to charge and collect sales taxes.

I strongly urge you to support our local businesses and cosponsor H.R. 2775. Thank you for your leadership on this issue, and for all your hard work on behalf of Florida.

Sincerely,

Matthew D. Surrency, President  
Mayor, City of Hawthorne

President **Matthew D. Surrency**, Mayor, Hawthorne  
First Vice President **Susan Haynie**, Mayor, Boca Raton • Second Vice President **Vacancy**  
Executive Director **Michael Sittig** • General Counsel **Harry Morrison, Jr.**



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(850) 222-9684 ♦ Fax (850) 222-3806 ♦ Website: [www.floridaleagueofcities.com](http://www.floridaleagueofcities.com)

July 9, 2015

The Honorable Dennis Ross  
U.S. House of Representatives, District 15  
229 Cannon House Office Building  
Washington, D.C. 20515-0912

Dear Representative Ross:

On behalf of the Florida League of Cities we would like to thank you for your support and leadership in co-sponsoring the Remote Transactions Parity Act (H.R. 2775). As you know, this bill will modernize our nation's outdated sales tax collection process.

The Remote Transactions Parity Act does not impose a new tax, but instead levels the playing field between online and brick-and-mortar stores by closing the online sales tax loophole. Sales taxes are owed on all purchases, and it is unfair for online retailers to skip collecting taxes, while the stores in our community collect all owed taxes.

The Act will also provide local governments with the resources needed to invest in communities, build infrastructure and provide important services like emergency response. Every year in Florida, approximately \$1.4 billion in owed sales tax goes uncollected from online transactions; funds that cities cannot use on public safety, fixing sidewalks, building libraries, and many more services for their residents. Congress can give states and local governments the power to require sellers who do not have a physical presence in their jurisdiction to charge and collect sales taxes.

Again, we thank you for your co-sponsorship, and for all your hard work on behalf of Florida.

Sincerely,

Matthew D. Surrency, President  
Mayor, City of Hawthorne

## 8. Municipal Financing

2015-08

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC., URGING THE OBAMA ADMINISTRATION AND CONGRESS TO PRESERVE THE CURRENT TAX-EXEMPT STATUS OF INTEREST EARNED ON MUNICIPAL BONDS AND REJECT ANY PROPOSAL THAT WOULD REDUCE OR ELIMINATE THE FEDERAL TAX EXEMPTION ON INTEREST EARNED ON MUNICIPAL BONDS.

WHEREAS, since 1913, when the federal income tax was imposed, the interest earned on municipal bonds has been exempt from federal taxation; and

WHEREAS, municipal bonds have been the primary method by which state and local governments finance public capital improvements and infrastructure construction such as schools, hospitals, water and sewer systems, roads, highways, utilities, public safety structures, bridges and tunnels; and

WHEREAS, the projects funded through municipal financing are engines of job creation and economic growth; and

WHEREAS, according to national statistics, state and local governments are responsible for building and maintaining more than 75 percent of the nation's infrastructure, which is financed mostly by tax-exempt municipal bonds; and

WHEREAS, on average, state and local governments save up to two percentage points on their borrowing rates through the use of tax-exempt municipal bonds; and

WHEREAS, these savings allow state and local governments to invest more in critical infrastructure and essential services and provide construction jobs while holding down the cost to taxpayers; and

WHEREAS, in 2013, a joint report titled "Protecting Bonds to Save Infrastructure and Jobs 2013" was issued by the U.S. Conference of Mayors, the National League of Cities and the National Association of Counties, with assistance from the Government Finance Officers Association; and

WHEREAS, the report estimates that 1,250 tax-exempt bonds financing more than \$103 billion in infrastructure improvements were issued over the last decade in the State of Florida; and

WHEREAS, the report also states that in 2012 alone, more than 6,600 tax-exempt bonds were issued financing more than \$179 billion in infrastructure projects across the nation; and

WHEREAS, several proposals have been discussed over the last few years as Congress and the Obama administration seek tax reform; and

WHEREAS, many of these proposals have included a proposed reduction or elimination of the current tax exemption on interest earned from tax-exempt municipal bonds; and

WHEREAS, in his fiscal year 2015 budget proposal, President Barack Obama has again proposed capping the value of the tax exemption for municipal bond interest at 28 percent; and

WHEREAS, it is estimated that if the proposed cap for municipal bonds was in effect over the last decade, it would have cost state and local governments an additional \$173 billion in interest expense; and

WHEREAS, it is estimated that if the tax exemption had been fully eliminated over the last decade, it would have cost state and local governments an additional \$495 billion in interest expense; and

WHEREAS, 2010 Internal Revenue Service data shows that 57 percent of municipal bond interest is paid to individuals 65 years of age and older, who in many cases live on fixed incomes, and 52 percent of municipal bond interest is paid to individuals who earn less than \$250,000 annually.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc., urges President Barack Obama and Congress to preserve the current tax-exempt status of the interest earned on municipal bonds and oppose any attempt to cap or eliminate the tax exemption on the interest earned on municipal bonds.

Section 2. That a copy of this resolution be sent to President Obama, the Florida Congressional Delegation, the National League of Cities, and the membership of the Florida League of Cities, Inc.

Section 3. That this resolution shall become effective upon adoption and shall remain in effect until repealed and hereby repeals all conflicting resolutions.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89<sup>th</sup> Annual Conference, at the World Center Marriott, Orlando, Florida, this 15<sup>th</sup> Day of August 2015.

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Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

ATTEST: \_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: FLC Staff



## Go Local: Protect Municipal Bonds

NLC calls on Congress and the Administration to preserve the municipal bond federal income tax exemption for the following reasons:

- The exemption is not a special interest loophole and should not be treated as such.
- Municipal bonds are the primary way local and state governments finance infrastructure, and have been for over a century.
- Over two-thirds of all public infrastructure projects in the United States are financed by municipal bonds.

### Percentage of public infrastructure financed by tax-exempt bonds:

Utilities:	87%	Environment:	54%	Transportation:	35%
Education:	65%	Health Care:	40%		

Municipal bonds are the primary way state and local governments finance the public infrastructure that supports everyday life. Bonds finance construction of schools, hospitals, bridges, water treatment facilities, libraries, and many other public projects.

Voters and governmental bodies approve issuance of these bonds, which are then purchased by private individuals, mutual funds and financial institutions. The interest gained by these investors is exempt from the federal income tax, and has been since the tax was instituted in 1913.

As the Administration and Congress look for ways to reduce the federal deficit and still fund programs, the federal income tax exemption provided to municipal bond interest is under threat. If the federal income tax exemption is eliminated or limited, states and localities will be forced to pay more to finance projects. That will mean less infrastructure

investment, fewer jobs, and a greater burden on local residents forced to pay higher taxes and fees.

Local governments save an average of 25 to 30 percent on interest costs with tax-exempt municipal bonds (as compared to taxable bonds), thanks to investors who are willing to accept a lower interest rate on tax-exempt bonds. The exemption is similar to the exemption for federal Treasury bonds – another stable investment vehicle – from state and local taxes.

Municipal-bond-funded projects create jobs, provide a stable investment vehicle for investors, and help reduce local tax and utility rates for community residents.

Congress must protect this critical tool for local governments to rebuild and improve America's infrastructure, and maintain the federal tax exemption for municipal bonds.

## 9. Tax on Internet Access

2015-09

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC.,  
URGING THE U.S. SENATE TO OPPOSE LEGISLATION THAT  
WOULD PREEMPT STATE AND LOCAL AUTHORITY OVER THE  
COLLECTION OF CERTAIN TAXES AND FEES RELATED TO  
INTERNET ACCESS.

WHEREAS, in October 1998, Congress passed the Internet Tax Freedom Act (ITFA) imposing a three-year moratorium on multiple and discriminatory taxes on electronic commerce and Internet access; and

WHEREAS, the moratorium was extended five times - 2001, 2004, 2007 and twice in 2014 - and is now set to expire on October 1, 2015; and

WHEREAS, the Internet-access moratorium was originally conceived at a time when the Internet was experiencing tremendous growth and Congress believed that in order to foster this growth it was necessary to halt any taxes that might constrain the Internet; and

WHEREAS, now the Internet is universal with more and more services moving from a telecommunications/cable delivery system to broadband, and it no longer needs special tax protection; and

WHEREAS, H.R. 235, the Permanent Internet Tax Freedom Act, by U.S. Representative Bob Goodlatte (R-6-VA), would permanently extend the moratorium on multiple and discriminatory taxes on electronic commerce and Internet access; and

WHEREAS, H.R. 235 passed the U.S. House of Representatives on June 9, 2015, and this legislation is now awaiting consideration by the U.S. Senate; and

WHEREAS, Florida law also prohibits any tax on Internet access; and

WHEREAS, over the next several years, most of the services known as telecommunications and cable services will transition to broadband and as a result, the scope of the services that ITFA shields from state and local taxation will greatly expand; and

WHEREAS, a temporary extension of the moratorium would allow more time to fully assess the transition from telecommunications and cable services to ITFA-protected broadband services; and

WHEREAS, a temporary extension of the moratorium would also allow more time to determine the impact on the relative tax obligations of industry sectors to which ITFA does not apply and provide Congress the opportunity to revisit the moratorium to correct any unintended consequences.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc., urges the U.S. Senate to oppose H.R. 235 or any permanent extension of the moratorium on multiple and discriminatory taxes on Internet access and instead support a temporary extension of the current moratorium.

Section 2. That a copy of this resolution be provided to President Barack Obama, the Florida Congressional Delegation, the National League of Cities, the U.S. Conference of Mayors, the Government Finance Officers Association, Florida Governor Rick Scott and the membership of the Florida League of Cities, Inc.

Section 3. That this resolution shall become effective upon adoption and shall remain in effect until repealed and hereby repeals all conflicting resolutions.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89<sup>th</sup> Annual Conference, at the World Center Marriott, Orlando, Florida, this 15<sup>th</sup> Day of August 2015.

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Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

ATTEST: \_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: FLC Staff

# Judiciary Committee Chairman Bob Goodlatte

## Press Releases

Jun 09 2015

### House Passes Permanent Internet Tax Freedom Act (PITFA) to Ban Internet Access Taxes

**CONTACT: Kathryn Rexrode or Michael Woeste (202) 225-3951**

**Washington, D.C.** – Today, the House of Representatives passed H.R. 235, the *Permanent Internet Tax Freedom Act* (PITFA), by a voice vote. This broadly bipartisan legislation permanently bans states from taxing Internet access or placing multiple or discriminatory taxes on e-commerce.

PITFA keeps the Internet affordable and drives innovation by banning access taxes permanently. If the moratorium is not renewed or made permanent, the potential tax burden on Americans would be substantial. It is estimated that Internet access tax rates could be more than twice the average rate of all other goods and services – and the last thing that Americans need is another tax bill on their doorsteps.

Original legislation that temporarily banned Internet access taxes, the *Internet Tax Freedom Act* (ITFA), was first enacted in 1998 and extended five times with nearly unanimous support. Last Congress, the House of Representatives passed PITFA by voice vote.

House Judiciary Committee Chairman Bob Goodlatte (R-Va.), Congresswoman Anna Eshoo (D-Calif.), Subcommittee on Regulatory Reform, Commercial and Antitrust Law Chairman Tom Marino (R-Pa.), Congressman Steve Chabot (R-Ohio), and Congressman Steve Cohen (D-Tenn.) issued the following statement after the passage of PITFA:

**“We applaud the bipartisan passage of the *Permanent Internet Tax Freedom Act* today in the House. PITFA is a necessary measure to keep Internet access free of taxation. Internet access drives innovation and the success of our economy. It is a gateway to knowledge, opportunity, and the rest of the world. The American people deserve affordable access to the Internet and the *Permanent Internet Tax Freedom Act* will help prevent unreasonable cost increases that hurt consumers and slow job creation.”**

Permalink: <http://judiciary.house.gov/index.cfm/2015/6/house-passes-permanent-internet-tax-freedom-act-pitfa-to-ban-internet-access-taxes>

### Related Posts

Chairman Goodlatte Floor Statement on H.R. 235, the “Permanent Internet Tax Freedom Act” (PITFA)



Florida League of Cities

**ALERT**

**FAST** Federal Action Strike Team

### **Alert from the National League of Cities**

## Preemption of Local Authority on Internet Taxation Legislation Headed to House Floor

This week, the full U.S. House is expected to consider H.R. 235, the Permanent Internet Tax Freedom Act (PITFA). As it has for years, NLC continues to vigorously oppose this legislation because it would preempt local authority to tax Internet access. Currently, a temporary ban blocks local governments from doing this except for in a handful of states. The temporary ban is set to expire on October 1, 2015, and this legislation would make the ban permanent for all states.

In general, taxation of Internet access refers to applying state and local taxes to the monthly charge that subscribers pay for access to the Internet through an Internet Service Provider. The original intent of the Internet Tax Freedom Act in 1998 was to encourage development of the Internet, which at the time was a new technology. This justification is no longer applicable given the substantial advancements in technology that have occurred since. A permanent tax moratorium on Internet access will result in increasing amounts of lost revenue on which state and local governments rely to fund essential services in their communities, like firefighters and police officers, schools, parks, libraries and continued investments to address aging infrastructure.

NLC urges you to contact your Representative and ask that they vote against H.R. 235, the Permanent Internet Tax Freedom Act.

### **Impact for Florida**

Florida law prohibits any tax on Internet access. The Florida League of Cities Opposes H.R. 235 because it makes the moratorium permanent. FLC supports a temporary extension of the moratorium for the following reasons:

- over the next several years, most of the services known as telecommunications and cable services will transition to broadband;
- as a result, the scope of the services that Internet Tax Freedom Act (ITFA) shields from state and local taxation will greatly expand;
- a temporary extension of the moratorium would allow more time to fully assess the transition from telecommunications and cable services to ITFA-protected broadband services; and
- a temporary extension of the moratorium would also allow more time to determine the impact on the relative tax obligations of industry sectors to which ITFA does not apply and provide Congress the opportunity to revisit the moratorium to correct any unintended consequences.

**Please contact your U. S. Representatives and urge them to Oppose a Permanent Extension of the Internet Tax Freedom Act.** Click [Here](#) for contact information for your Representative(s).

Attached is the FLC resolution that was adopted last year to federal legislation from 2014. Also attached is a joint letter from NLC and several National Local Government Organizations in Opposition to H.R. 235.

Please let me know what response you receive from your Members of Congress.

Allison Payne  
Manager, Advocacy & Federal Affairs

**National Association of Counties  
National League of Cities  
U.S. Conference of Mayors  
International City/County Management Association  
Government Finance Officers Association  
National Association of Telecommunications Officers and Advisors**

June 8, 2015

Dear Representative ,

On behalf of local governments across the nation, our organizations write to express our continuing opposition to H.R. 235, the *Permanent Internet Tax Freedom Act*. We urge you to oppose the legislation when it is considered on the House floor.

When the Internet Tax Freedom Act was first enacted in 1998, the Internet access and commerce industries were in their infancy and only beginning to be significantly available to households. The intent of the moratorium was to give the then-nascent Internet industry time to grow and become established. However, even at that time, Congress recognized that the ban should not be permanent.

In addition, estimates of previous versions of this bill provided by the Congressional Budget Office indicate that, if enacted, the *Permanent Internet Tax Freedom Act* would cost state and local governments hundreds of millions of dollars in lost revenues. These are revenues that local governments rely upon to fund essential services in their communities, including well-trained firefighters and police officers; investments to fix aging infrastructure; schools, parks, community centers and libraries to support youth. It is truly alarming to note the large number of co-sponsors from states where our members, state and local government officials and public servants, have resoundingly detailed the crucial nature of these revenues to their cities, counties and states and the impact of the potential loss of these revenues.

Finally, as the telecommunications and cable service industries increasingly transition to broadband, it is important that state and local governments are not preempted from their ability to govern their own tax structures. Over time, the Permanent Internet Tax Freedom Act would arbitrarily exempt this fast growing sector of the economy from taxation, and unfairly shift the burden of supporting essential local services onto other businesses and residents in a community.

For all of these reasons, we urge you to vote against the *Permanent Internet Tax Freedom Act*, H.R. 235.

Sincerely,

Matthew D. Chase  
Executive Director, National Association of Counties

Clarence E. Anthony  
Executive Director, National League of Cities

Tom Cochran  
Executive Director, U.S. Conference of Mayors

Robert J. O'Neill

Executive Director, International City/County Management Association

Jeffrey L. Esser  
Executive Director, Government Finance Officers Association

Stephen Traylor,  
Executive Director, National Association of Telecommunications Officers and Advisors

## 10. Transportation Funding

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC., URGING CONGRESS AND THE ADMINISTRATION TO ENACT A NATIONAL TRANSPORTATION PLAN THAT STRENGTHENS OUR INFRASTRUCTURE, CREATES JOBS, INCLUDES THE LOCAL VOICE IN PLANNING AND PROJECT SELECTION, AND CHOOSES THE BEST MIX OF TRANSPORTATION OPTIONS TO FIT THE NEEDS OF THE REGION.

WHEREAS, the current federal surface transportation program, Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), funds highway transit and other surface transportation programs, and is set to expire on July 31, 2015; and

WHEREAS, MAP-21 does not address the long-term funding challenges facing federal surface transportation funding and the Highway Trust Fund is nearing a major fiscal crisis; and

WHEREAS, previous federal programs have included the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) and the Intermodal Surface Transportation Efficiency Act (ISTEA); and

WHEREAS, the lack of investment in Florida's transportation system continues to impact our economy and cities, which are the economic engines of our state; and

WHEREAS, a new federal approach to surface transportation must include all levels of government at the table in establishing an effective transportation network; and

WHEREAS, continued federal funding of a successor program to MAP-21 and the need to provide flexibility to local governments to address local transportation needs are critical to Florida and its urban, suburban and rural communities.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc., strongly urges the U.S. Congress to create a federal surface transportation program that provides adequate funding for federal transportation programs to support bridges, roads, highways and transit, and provides funding directly to local governments for transportation programs.

Section 2. That Congress considers input from local municipal officials as it contemplates the next federal surface transportation program.

Section 3. That a copy of this resolution be provided to the Florida Congressional Delegation, Florida Governor Rick Scott, the secretaries of the U.S. and Florida

Departments of Transportation, the National League of Cities, the chairs of the U.S. Congressional Transportation Committees and the membership of the Florida League of Cities, Inc.

Section 4. That this resolution shall become effective upon adoption and shall remain in effect until repealed and hereby repeals all conflicting resolutions.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89<sup>th</sup> Annual Conference, at the World Center Marriott, Orlando, Florida, this 15<sup>th</sup> Day of August 2015.

\_\_\_\_\_  
Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

ATTEST: \_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: FLC Staff



## Go Local: Invest in Local Transportation Priorities

**NLC calls on Congress to authorize a new, long-term federal surface transportation bill that:**

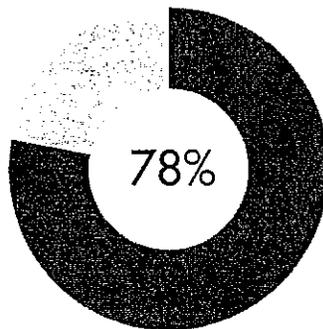
- Authorizes at least six years of transportation programs and funding,
- Enables more local control,
- Supports innovative programs and finance and
- Helps fix the Highway Trust Fund.

Local governments own and operate 78 percent of the nation's road miles, 43 percent of the nation's federal-aid highway miles, and 50 percent of the nation's bridge inventory. Local elected officials should have the authority to direct available transportation resources to projects serving their communities and regions.

However, local governments and their metropolitan and regional planning organizations directly receive less than 15 percent of current federal transportation funding. The last major transportation bill, the Moving Ahead for Progress in the 21st Century Act (MAP-21), consolidated programs important to local governments, reduced funding available for locally owned highways and bridges by 30 percent, and eliminated almost all discretionary programs for transit.

Congress can fix this imbalance. A new transportation bill should directly allocate greater funding to cities and metropolitan organizations and provide more flexibility to choose the best mix of transportation options to fit regional needs.

### Percentage of US Road Miles Owned by Local Governments



Source: U.S. Department of Transportation

Cities and towns are embracing innovation to create new opportunities for struggling commercial districts and neighborhoods in distress. Programs like the Transportation Alternatives Program (TAP) and Transportation Infrastructure Finance and Innovation Act (TIFIA) financing are tools that enable innovation.

A new transportation bill must be long-term. Crisis-driven legislation and short-term extensions create insurmountable obstacles for transportation and infrastructure projects. The next bill should authorize transportation programs and funding for at least six years to restore certainty and stability to the transportation planning process at the local and regional level.

Finally, the next transportation bill should be built on a stable foundation. The Highway Trust Fund, which finances the majority of transportation programs, has been unable to maintain sufficient revenue to support the nation's transportation needs. It is time for Congress to find a long-term solution that may, among other means, include an increase in the federal gasoline tax.

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# 11. Community Development Block

## Grant Program

2015-11

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC.,  
URGING CONGRESS TO MAINTAIN FUNDING FOR THE  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the Community Development Block Grant (CDBG) program was enacted and signed into law by President Gerald Ford as the centerpiece of the Housing and Community Development Act of 1974; and

WHEREAS, the CDBG program has as its primary objective “the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income”; and

WHEREAS, the CDBG program has considerable flexibility to allow municipalities to carry out activities that are tailored to their unique affordable housing and neighborhood revitalization needs; and

WHEREAS, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and state and local government-sector associations are unanimous in their support of the CDBG and the need to keep this program intact; and

WHEREAS, according to the U.S. Department of Housing and Urban Development, the CDBG is most commonly used to support activities that improve the quality of life in communities; to promote energy conservation and renewable energy resources; for construction of and improvements to public infrastructure such as streets, sidewalks, and water and sewer facilities; and for small business assistance to spur economic development and job creation/retention; and

WHEREAS, since 2010, Congress has cut CDBG funding by more than \$1 billion; and

WHEREAS, Florida’s local governments will receive about \$130 million in CDBG grants in fiscal year 2015 to catalyze or support employment, housing and neighborhood revitalization efforts; and

WHEREAS, nationally, for every dollar of CDBG funding invested in a project another \$4.05 is leveraged from other sources; and

WHEREAS, over the past nine years, the CDBG program has created or retained 330,546 jobs for low- and moderate-income persons through a variety of economic development activities.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc., urges Congress to provide at least \$3.3 billion in formula funding for CDBG.

Section 2. That a copy of this resolution be sent to the Florida Congressional Delegation, the National League of Cities, the secretary of the U.S. Department of Housing and Urban Development, and the membership of the Florida League of Cities, Inc.

Section 3. That this resolution shall become effective upon adoption and shall remain in effect until repealed and hereby repeals all conflicting resolutions.

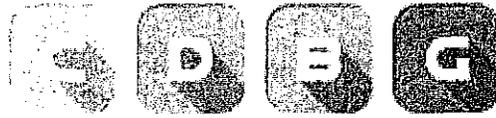
PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89<sup>th</sup> Annual Conference, at the World Center Marriott, Orlando, Florida, this 15<sup>th</sup> Day of August 2015.

\_\_\_\_\_  
Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

ATTEST: \_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: FLC Staff

40 Years



Building Better Neighborhoods

# The Community Development Block Grant Program - Fact Sheet

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## Basic Program Components

- The CDBG Program is authorized by Title I of the Housing and Community Development Act of 1974. The funds are a block grant that can be used to address critical and unmet community needs including those for housing rehabilitation, public facilities, infrastructure, economic development, public services, and more.
- Primary objective is to develop viable urban and rural communities, by expanding economic opportunities and improving the quality of life, principally for persons of low and moderate income.
- Since 1974, it has invested \$144 Billion in communities nationwide.
- Appropriation level has varied over the 40 year program history – (3.10 B for FY 2014).
- Individual Community determines the need and use of funds.
- Each year approximately 95% of funds are invested in activities that primarily benefit low and moderate income persons.
- For FY 2014 there are 1220 grantees including cities, counties, states, and insular areas, and non-entitlement counties in Hawaii. However, potential reach is to every community either directly or indirectly—more than 7,250 local governments have access to funding.
- CDBG is an important catalyst for economic growth- helping local officials leverage funds for community needs.

## 2013 CDBG Program Accomplishments

- Nearly 28,000 Americans found new permanent jobs or were able to retain their jobs at businesses supported by CDBG economic development activities;
- More than 94,300 housing units received some level of housing rehabilitation assistance;
- More than 7,250 local governments, including more than 2,500 rural communities, participated in CDBG through the entitlement, urban county, or state programs; and

- More than 9.8 million people live in areas which benefited from CDBG-funded public service activities and almost 3.3 million live in areas which benefited from CDBG-financed public improvements.

## **Historic Program Outcomes by Category**

### **Job Creation and Retention**

- From fiscal year 2004-2013, CDBG economic development activities have directly created or retained more than 421,183 permanent jobs.
- Between fiscal years 2007-2013 CDBG helped more than 232,000 businesses expand economic opportunities for our country's most vulnerable citizens.

### **Public Facilities and Public Services**

- CDBG grantees historically expend one-third of their funds annually on public improvements.
- CDBG has improved public facilities that benefitted more than 33.7 million people between fiscal years 2005 and 2013. These improvements assist in providing the critical elements for suitable physical environments including sanitary water and sewer systems, safe streets and transit-ways, improved drainage systems, and other improvements that support our communities and help grow local economies.
- Up to 15 percent of CDBG funds can also be used by local governments on important public services. These investments assist the most vulnerable populations in a community, including children, the homeless, and victims of domestic violence. For low- and moderate-income families, these are life-changing services.

### **Housing Activities**

- Grantees historically spend approximately one quarter of their CDBG funds for housing activities, with the most significant activity being owner-occupied rehabilitation.
- From fiscal year 2004-2013 more than 1.3 million homes have been rehabilitated for low- and moderate-income homeowners and renters
- In fiscal year 2013, more than 94,000 households received housing assistance, ranging from minor emergency housing repairs enabling elderly and infirm residents to remain in their own homes to weatherization improvements that result in more affordable energy bills.

40 Years



Building Better Neighborhoods

# The Community Development Block Grant (CDBG) Program- Frequently Asked Questions

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## **1. What is the overall mission of the Community Development Block Grant (CDBG) Program?**

The CDBG program, authorized by Title I of the Housing and Community Development Act of 1974, provides annual grants to cities, counties and states to develop strong communities by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for low- and moderate-income persons. CDBG eligible activities are initiated and developed at the state and local level based upon a community's needs, priorities, and benefits.

## **2. What are the requirements for the use of the CDBG funds?**

Each grantee receiving CDBG funds is free to determine what activities it will fund as long as certain requirements are met, including that each activity is eligible and meets one of the following national objectives: benefits persons of low and moderate income; aids in the prevention or elimination of slums or blight; or meets an urgent development need which is defined as posing a serious and immediate threat to the health or welfare of the community in the past 18 months, and that the grantee is unable to finance on its own nor with other funding sources. Other Federal requirements such as environmental, labor standards, fair housing, nondiscrimination, also apply to the use of CDBG funds.

### **3. What is the overall appropriation level for this program and how much has been invested in communities since the program's authorization in 1974?**

The appropriation level has varied over the 40 year program history. The level is \$3.10 B for FY 2014. Since 1974, CDBG has invested \$144 billion in communities nationwide.

### **4. How many grantees across the nation will receive funding this year, Fiscal Year 2014?**

There are currently 1,220 CDBG grantees that are receiving funding throughout the United States directly from HUD including cities, counties, states, insular areas, and non-entitlement counties in Hawaii. However, the potential reach is to every community either directly or indirectly—more than 7,250 local governments have access to funding.

### **5. Does CDBG fund the local government, organizations or individuals?**

CDBG funds states, metropolitan cities and urban counties directly. Organizations and individuals cannot receive funds directly from HUD, but can apply for funding through their local government agency.

### **6. Can citizens participate in the planning/decision-making process around the use of CDBG funds?**

CDBG-funded projects have a better chance of success when citizens are involved from the beginning. The CDBG law requires that a grantee must develop and follow a detailed plan which provides for, and encourages, citizen participation and which emphasizes participation by persons of low- or moderate-income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. The plan must provide citizens with reasonable and timely access to local meetings, information, and records related to the grantee's proposed and actual use of funds.

## **7. What types of activities does the CDBG program fund?**

CDBG funds 28 eligible activities that include infrastructure, economic development projects, installation of public facilities, community centers, housing rehabilitation, public services, clearance/acquisition, microenterprise assistance, code enforcement, and homeowner assistance, to name a few.

## **8. What types of activities are most frequently funded with CDBG monies?**

Historically, CDBG grantees expend one-third of their funds on public facilities and improvement projects. CDBG has improved public facilities that benefitted more than 33.7 million people between fiscal years 2005 and 2013. Infrastructure projects such as sewer systems, sanitary water, safe streets and transit-ways, improved drainage systems, community centers and public parks, and other improvements that support our communities and help grow local economies.

## **9. How Does the CDBG Program Support Economic Growth and Recovery?**

From fiscal year 2004 to fiscal year 2013, CDBG economic development activities have directly created or retained more than 421,183 permanent jobs. In addition, grantees provide financial assistance to businesses as loan and grants and the recipients use the CDBG assistance to expand economic opportunities and create permanent jobs, primarily for low and moderate income Americans. Between fiscal years 2007-2013, CDBG helped more than 232,000 businesses expand economic opportunities for our country's most vulnerable citizens.

## **10. I need my home rehabilitated? Will CDBG pay for that?**

You will need to contact your local grantee to find out if the grantee is using CDBG funds for housing rehabilitation and for any program requirements.

## **11. How many homes have been rehabilitated using CDBG funds?**

From fiscal year 2004-2013, more than 1.3 million homes have been rehabilitated for low- and moderate-income homeowners and renters. In Fiscal year 2013 alone, more than 94,000 households received CDBG funding for some level of housing rehabilitation assistance ranging from emergency repairs to enable elderly and infirm residents to remain in their own homes to weatherization improvements that result in more affordable energy bills.

## **12. Can you leverage other funds with CDBG dollars and how is this done?**

CDBG funds can be leveraged with other Federal, state, local or private funds to increase the impact of the funds. Facing local budget shortfalls, CDBG funding remains a crucial source of funding that helps communities leverage funds for key infrastructure and economic development projects. On projects where leveraging was reported for the fiscal years of 2010-2012, grantees reported that every dollar of CDBG funds leveraged an additional \$4.07 of other funds.

## **13. How does CDBG's Section 108 Program work with economic developers who want to leverage jobs with other funds and to create jobs?**

The Section 108 Program is the loan guarantee provision of the Community Development Block Grant (CDBG) program that provides states and communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale development projects. This makes it one of the most important public investment tools that HUD offers to states and local governments. It allows them to transform a small portion of their CDBG funds into federally guaranteed loans large enough to pursue economic revitalization projects that can renew entire neighborhoods.

Such public investment is often needed to inspire private economic activity, providing the initial resources or simply the confidence that private firms and individuals may need to invest in distressed areas. Section 108 loans are not risk-free, however; local governments borrowing funds guaranteed by Section 108 must pledge their current and future CDBG allocations to cover the loan amount as security for the loan. For more information about the Section 108 program go to:

<https://www.onecpd.info/section-108/>

## **14. How do I contact a CDBG grantee to find out if funding is available or to support a project where I live?**

The following link provides a listing of all the CDBG grantees that currently receive funding directly from HUD:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/about/budget/budget14](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/about/budget/budget14)

## **15. How can a private citizen find out the projects that have received CDBG funding in their community?**

Interested persons can check the CDBG grantee's website for activities that were funded that program year and in some cases, in prior years. Please see the website below for the grantee contact information:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/communitydevelopment/programs/contacts](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/contacts)

## **16. Where can I learn more about the CDBG Program?**

To learn more about the Community Development Block Grant Program, click on the following links:

<https://www.onecpd.info/cdbg-entitlement/>

<https://www.onecpd.info/cdbg-state/>

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## 12. FEMA De-obligations

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC., URGING  
THE FEDERAL GOVERNMENT TO CLARIFY THE DE-OBLIGATION  
PROCESS OF PREVIOUSLY APPROVED DISASTER RELIEF FUNDS.

WHEREAS, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (The Stafford Act), establishes the statutory authority for most Federal disaster response activities especially as they pertain to the Federal Emergency Management Agency (FEMA) and FEMA programs; and

WHEREAS, the purpose of the Stafford Act is to provide continued and orderly assistance from the federal government to state and local governments to relieve hardship and assist in disaster recovery; and

WHEREAS, the Stafford Act authorizes FEMA to obligate funds to states and local governments to help recover from natural disasters that cause widespread damage to homes, businesses and critical infrastructure; and

WHEREAS, the ability of state and local governments to recover successfully from natural disaster events is due in large part to their partnership with FEMA and the financial assistance that it provides under the Stafford Act; and

WHEREAS, it is through this partnership that local governments seek FEMA's approval to develop recovery projects that include authorized costs to be reimbursed by FEMA once the projects are completed; and

WHEREAS, FEMA has sought to de-obligate previously approved recovery funds from local governments whenever the Department of Homeland Security Office of Inspector General determines that FEMA has erroneously obligated funds, even when the recipient has already lawfully spent the funds in accordance with the grant's requirements; and

WHEREAS, FEMA's de-obligation of previously approved recovery funds weakens the intent of the Stafford Act; and

WHEREAS, local governments do not have the resources or expertise to fully respond to the voluminous FEMA requests for information and documentation relating to their post disaster recovery expenses and efforts; and

WHEREAS, Congress enacted Section 705(c) of the Stafford Act, titled "Binding Nature of Grant Requirements," to protect recipients of disaster assistance from these retroactive de-obligations; and

WHEREAS, H.R. 1471, the FEMA Disaster Assistance Reform Act of 2015, is federal legislation sponsored by Congressman Lou Barletta (R-11-PA); and

WHEREAS, Congresswoman Lois Frankel (D-22-FL) worked to amend H.R. 1471 to include a provision that clarifies the three-year statute of limitations on FEMA's ability to reclaim funds, based on a change in policy determination, after a state or local government has spent the funds on previously determined eligible projects and when there is no evidence of fraud, waste or abuse; and

WHEREAS, Senator Bill Nelson and Congressman Mario Diaz-Balart and other members of congress have also been working to improve the FEMA Public Assistance Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc., urges the federal government to clarify the process whereby FEMA can declare previously approved funds distributed to local governments for disaster relief efforts are de-obligated so as to ensure the de-obligation process:

1. complies with Section 705(c) of the Stafford Act,
2. includes a reasonable time frame for municipalities to respond to information requests, and
3. requires FEMA to make timely decisions on appeals filed by municipalities that face the potential rescission of previously appropriated federal funds.

Section 2. That the Florida League of Cities, Inc. expresses appreciation to Senator Bill Nelson and Representatives Lois Frankel and Mario Diaz-Balart, for their efforts to improve the FEMA de-obligation process and urges members of the Florida congressional delegation to support the FEMA Disaster Assistance Reform Act of 2015.

Section 3. That a copy of this resolution be sent to President Barack Obama, the Florida Congressional Delegation, the National League of Cities, and the membership of the Florida League of Cities, Inc.

Section 4. That this resolution shall become effective upon adoption and shall remain in effect until repealed and hereby repeals all conflicting resolutions.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89<sup>th</sup> Annual Conference, at the World Center Marriott, Orlando, Florida, this 15<sup>th</sup> Day of August 2015.

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Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

ATTEST: \_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: FLC Staff

## **FEMA De-Obligations:**

Since around 2011, the Department of Homeland Security's Office of Inspector General (OIG) has been auditing previously approved recovery projects in an attempt to recapture funds that it asserts should not have been awarded. Many of these audits are from the 2004 and 2005 storms and the moneys received have been long spent on recovery projects. These deobligations have run in the millions of dollars and have impacted the budgets of local governments across the state. Even though there is an appeals process, in many cases the process has resulted in lengthy delays and denials or because it happened so long ago, neither the relevant documentation nor local government staff remain to accurately appeal these audit findings. This situation has left local governments with no choice but to pay back moneys for recovery projects that, in some instances, were previously identified, developed and determined eligible by FEMA staff.

In a state where the question is not *if* a natural disasters will occur, but rather *when*, the Florida League of Cities believes improvements can be made to the process. FEMA has also acknowledged that there are problems and is currently considering reforms to the process. FLC is working to address the unlimited OIG timeframe for review of recovery projects, FEMA deobligations of previously approved recovery project funding years after the loss event and improvements to streamline the appeals process.

In September 2014, the U.S. District issued a ruling in *South Florida Water Management District v. FEMA (Case No. 13-80533-CIV)*. The South Florida Water Management District challenged a \$21 million FEMA deobligation and the court ordered FEMA to retract the deobligation. The U.S. Department of Justice did not appeal the decision. In light of this decision, the FLC and Florida Association of Counties (FAC) have questioned how the ruling will affect recovery projects throughout Florida and whether previous appeal decisions by the agency will be reconsidered.

In April, Congresswoman Lois Frankel (D-22) amended H.R. 1471, the FEMA Disaster Assistance Reform Act of 2015, to include language amending the Stafford Act to change the 3 year statute of limitations by which FEMA can recover payments to begin once the Project Worksheet is transmitted, rather than waiting until completion of the final expenditure report for the entire disaster.

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## 13. Solar Power Proposed

### Constitutional Amendment

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC., DIRECTING STAFF TO SEEK PERMISSION FROM THE FLORIDA SUPREME COURT TO WITHDRAW ITS BRIEF IN OPPOSITION TO THE FLORIDIANS FOR SOLAR CHOICE BALLOT PETITION.

WHEREAS, on June 10, 2015, the Florida League of Cities, in conjunction with the Florida Municipal Electric Association, filed an initial brief with the Florida Supreme Court in opposition to the Floridians for Solar Choice ballot initiative; and

WHEREAS, members of the Florida League of Cities find that the submission of the brief was filed outside of the appropriate League protocol; and

WHEREAS, members of the Florida League of Cities find the arguments presented in the brief are alarmist, unsupported and speculative; and

WHEREAS, as a threshold matter, such legal filings should be subject to a vote of the Florida League of Cities and be reviewed and approved by the FLC Energy, Environment and Natural Resources Committee; and

WHEREAS, the solar petition language would allow the sale of power from an entity other than a utility limited to solar power systems with a size limitation of 2 megawatts (MW) and would provide more solar ownership and financing options to allow for solar development in the state; and

WHEREAS, arguments related to material future negative impacts to local municipalities due to reduced utility revenue and the local fees dependent on such revenue, such as franchise fees and public service tax is again, highly speculative and unfounded; and

WHEREAS, the Florida Financial Impact Estimating Conference (FIEC), an entity that reviews the impacts and costs of proposed petitions on state and local governments, found - after weeks of study and consideration of input from a number of interested parties, including the Florida League of Cities - that as it relates to reduced revenue: "the timing and magnitude of these decreases cannot be determined because they are dependent on various technological and economic factors that cannot be predicted with certainty;" and

WHEREAS, utility revenue can be influenced by any number of factors, including the economy and weather. It is uncertain any reduced revenue may take place, and should be considered in the context of additional fees and economic development increased solar development will create in our communities; and

WHEREAS, Florida is one of only four states in the United States that by law expressly denies citizens and businesses the freedom to buy solar power electricity directly from someone other than a power company<sup>1</sup>; and

WHEREAS, Florida's utilities currently have roughly 60,000 MW of generating capacity to service some 9 million electric customers and only 6,600 customers, or some 0.07% of all customers, generate a mere 60 MW through solar power; making the negative impacts to municipalities from reduced utility revenue so marginable as to not be measurable; and

WHEREAS, Florida spends about 58 billion dollars each year buying carbon-based fuels from other states and countries to power our homes, businesses and cars, while solar power will keep energy dollars at home in Florida and will create good paying local jobs; and

WHEREAS, in a recent poll, 74% of Florida voters said they support a proposal to change the state's current law and allow Floridians to contract directly with solar power providers for their electricity and removing barriers to solar choice will allow more Floridians to take advantage of the power of the sun.<sup>2</sup>

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc., hereby directs staff to file a motion seeking to withdraw the initial brief in opposition to the Amendment to remove a barrier to customer-sited solar power, while giving the Florida Municipal Electric Association the opportunity to refile the same brief deleting any reference to the League.

Section 2. This resolution shall become effective upon adoption.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 89th Annual Conference, at the World Center Marriott, Orlando, Florida, this 15th Day of August 2015.

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Matthew Surrency, President  
Florida League of Cities, Inc.  
Mayor, Hawthorne

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<sup>1</sup> Department of Energy, et. al, *Database of State Incentives for Renewables and Efficiency*, at [http://www.dsireusa.org/documents/summarymaps/3rd\\_Party\\_PPA\\_Map.pdf](http://www.dsireusa.org/documents/summarymaps/3rd_Party_PPA_Map.pdf)

<sup>2</sup> Northstar Opinion Research, Survey of Florida Registered Voters, October 2014, at: [http://www.cleanenergy.org/wp-content/uploads/FL\\_Energy\\_Presentation\\_for\\_Release.pdf](http://www.cleanenergy.org/wp-content/uploads/FL_Energy_Presentation_for_Release.pdf)

ATTEST:

\_\_\_\_\_  
Michael Sittig, Executive Director  
Florida League of Cities, Inc.

Submitted by: Mayor Cindy Lerner, Village of Pinecrest

# CONSTITUTIONAL AMENDMENT PETITION FORM

**Note:**

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid.

Your Name: \_\_\_\_\_  
(Please Print Name as it appears on your Voter Information Card)

Your Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_

Please change my legal residence address on my voter registration record to the above residence address (check box, if applicable).

Voter Registration Number: \_\_\_\_\_ (or) Date of Birth \_\_\_\_\_

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

## **BALLOT TITLE: Limits or Prevents Barriers to Local Solar Electricity Supply**

**BALLOT SUMMARY:** Limits or prevents government and electric utility imposed barriers to supplying local solar electricity. Local solar electricity supply is the non-utility supply of solar generated electricity from a facility rated up to 2 megawatts to customers at the same or contiguous property as the facility. Barriers include government regulation of local solar electricity suppliers' rates, service and territory, and unfavorable electric utility rates, charges, or terms of service imposed on local solar electricity customers.

**ARTICLE AND SECTION BEING CREATED OR AMENDED:** Add new Section 29 to Article X

### **FULL TEXT OF PROPOSED AMENDMENT:**

Section 29. Purchase and sale of solar electricity. –

(a) PURPOSE AND INTENT. It shall be the policy of the state to encourage and promote local small-scale solar-generated electricity production and to enhance the availability of solar power to customers. This section is intended to accomplish this purpose by limiting and preventing regulatory and economic barriers that discourage the supply of electricity generated from solar energy sources to customers who consume the electricity at the same or a contiguous property as the site of the solar electricity production. Regulatory and economic barriers include rate, service and territory regulations imposed by state or local government on those supplying such local solar electricity, and imposition by electric utilities of special rates, fees, charges, tariffs, or terms and conditions of service on their customers consuming local solar electricity supplied by a third party that are not imposed on their other customers of the same type or class who do not consume local solar electricity.

(b) PURCHASE AND SALE OF LOCAL SMALL-SCALE SOLAR ELECTRICITY.

(1) A local solar electricity supplier, as defined in this section, shall not be subject to state or local government regulation with respect to rates, service, or territory, or be subject to any assignment, reservation, or division of service territory between or among electric utilities.

(2) No electric utility shall impair any customer's purchase or consumption of solar electricity from a local solar electricity supplier through any special rate, charge, tariff, classification, term or condition of service, or utility rule or regulation, that is not also imposed on other customers of the same type or class that do not consume electricity from a local solar electricity supplier.

(3) An electric utility shall not be relieved of its obligation under law to furnish service to any customer within its service territory on the basis that such customer also purchases electricity from a local solar electricity supplier.

(4) Notwithstanding paragraph (1), nothing in this section shall prohibit reasonable health, safety and welfare regulations, including, but not limited to, building codes, electrical codes, safety codes and pollution control regulations, which do not prohibit or have the effect of prohibiting the supply of solar-generated electricity by a local solar electricity supplier as defined in this section.

(c) DEFINITIONS. For the purposes of this section:

(1) "local solar electricity supplier" means any person who supplies electricity generated from a solar electricity generating facility with a maximum rated capacity of no more than 2 megawatts, that converts energy from the sun into thermal or electrical energy, to any other person located on the same property, or on separately owned but contiguous property, where the solar energy generating facility is located.

(2) "person" means any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, government entity, and any other group or combination.

(3) "electric utility" means every person, corporation, partnership, association, governmental entity, and their lessees, trustees, or receivers, other than a local solar electricity supplier, supplying electricity to ultimate consumers of electricity within this state.

(4) "local government" means any county, municipality, special district, district, authority, or any other subdivision of the state.

(d) ENFORCEMENT AND EFFECTIVE DATE. This amendment shall be effective on January 3, 2017.

Date: \_\_\_\_\_ X \_\_\_\_\_  
(Date of signature) (Signature of registered voter)

Initiative petition sponsored by Floridians for Solar Choice, Inc., 120 E. Oakland Blvd., Suite 105, Ft. Lauderdale, FL 33334

If paid petition circulator is used:

Circulator's Name \_\_\_\_\_

Circulator's Address \_\_\_\_\_

For official use only:

Serial number: 14-02

Date approved: 12/23/2014

**INITIATIVE FINANCIAL INFORMATION STATEMENT  
LIMITS OR PREVENTS BARRIERS TO LOCAL SOLAR ELECTRICITY SUPPLY**

**SUMMARY OF INITIATIVE FINANCIAL INFORMATION STATEMENT**

The amendment prohibits state and local government regulation of local solar electricity suppliers with respect to rates, service, or territory, and prohibits electric utilities from discriminating against customers of local solar electricity suppliers with respect to rates, charges, and terms of service. The amendment limits or prevents barriers to the sale of electricity by local solar electricity suppliers directly to customers. The Financial Impact Estimating Conference believes that the amendment will induce more solar electricity generation than would have occurred in its absence.

Based on information provided at public workshops and information collected through staff research, the conference expects the amendment will have several financial effects.

- Revenues from the following sources will be lower than they otherwise would have been as sales by local solar electricity suppliers displace sales by traditional utilities:
  - State regulatory assessment fees;
  - Local government franchise fees;
  - Local Public Service Tax;
  - State Gross Receipts Tax;
  - State and local Sales and Use Tax; and
  - Municipal utility electricity sales.
- At current millage rates, Ad Valorem Tax revenues will increase as a result of the installation of more solar energy systems than would have occurred in the amendment's absence. The increase in Ad Valorem Tax revenues is not expected to offset the reductions in other revenue sources. Over time, the Ad Valorem Taxes paid by electric utilities may be lower than otherwise as their need for additional generating capacity is reduced by expanded solar electricity production.
- Implementation and compliance costs will likely be minimal and include the following:
  - The Public Service Commission will incur one-time administrative costs related to the implementation of the amendment, particularly in regard to rule-making activities.
  - The Department of Revenue will incur administrative costs related to the implementation of the amendment, particularly in regard to rule-making, enforcement and compliance activities.
  - To the extent that current administrative practices are changed, local governments will incur costs related to the implementation of and compliance with the amendment. Some of these costs will likely be offset by fees.

There are numerous favorable and unfavorable factors affecting the adoption of solar technology to produce electricity in Florida. The magnitude of the revenue reductions cannot be determined because the following factors are uncertain: the extent and timing of the shift in electricity production from electric utilities to solar producers; continuation of federal solar

investment tax credits; the methodology for determining the basis for the use tax on solar electricity; the pace of decline in solar energy production costs; the removal of technological barriers to greater deployment; and future legislative or administrative actions by state and local governments to mitigate the revenue reduction.

### **FINANCIAL IMPACT STATEMENT**

Based on current laws and administration, the amendment will result in decreased state and local government revenues overall. The timing and magnitude of these decreases cannot be determined because they are dependent on various technological and economic factors that cannot be predicted with certainty. State and local governments will incur additional costs, which will likely be minimal and partially offset by fees.

## I. SUBSTANTIVE ANALYSIS

### A. Proposed Amendment

Ballot Title:

*Limits or Prevents Barriers to Local Solar Electricity Supply*

Ballot Summary:

*Limits or prevents government and electric utility imposed barriers to supplying local solar electricity. Local solar electricity supply is the non-utility supply of solar generated electricity from a facility rated up to 2 megawatts to customers at the same or contiguous property as the facility. Barriers include government regulation of local solar electricity suppliers' rates, service and territory, and unfavorable electric utility rates, charges, or terms of service imposed on local solar electricity customers.*

Text of Proposed Amendment:

The amendment proposes to add Section 29 to Article X as follows:

*Purchase and sale of solar electricity. –*

*(a) PURPOSE AND INTENT. It shall be the policy of the state to encourage and promote local small-scale solar-generated electricity production and to enhance the availability of solar power to customers. This section is intended to accomplish this purpose by limiting and preventing regulatory and economic barriers that discourage the supply of electricity generated from solar energy sources to customers who consume the electricity at the same or a contiguous property as the site of the solar electricity production. Regulatory and economic barriers include rate, service and territory regulations imposed by state or local government on those supplying such local solar electricity, and imposition by electric utilities of special rates, fees, charges, tariffs, or terms and conditions of service on their customers consuming local solar electricity supplied by a third party that are not imposed on their other customers of the same type or class who do not consume local solar electricity.*

*(b) PURCHASE AND SALE OF LOCAL SMALL-SCALE SOLAR ELECTRICITY.*

*(1) A local solar electricity supplier, as defined in this section, shall not be subject to state or local government regulation with respect to rates, service, or territory, or be subject to any assignment, reservation, or division of service territory between or among electric utilities.*

*(2) No electric utility shall impair any customer's purchase or consumption of solar electricity from a local solar electricity supplier through any special rate, charge, tariff, classification, term or condition of service, or utility rule or regulation, that is not also imposed on other customers of the same type or class that do not consume electricity from a local solar electricity supplier.*

*(3) An electric utility shall not be relieved of its obligation under law to furnish service to any customer within its service territory on the basis that such customer also purchases electricity from a local solar electricity supplier.*

*(4) Notwithstanding paragraph (1), nothing in this section shall prohibit reasonable health, safety and welfare regulations, including, but not limited to, building codes, electrical codes, safety codes and pollution control regulations, which do not prohibit or have the effect of prohibiting the supply of solar-generated electricity by a local solar electricity supplier as defined in this section.*

*(c) DEFINITIONS. For the purposes of this section:*

*(1) "local solar electricity supplier" means any person who supplies electricity generated from a solar electricity generating facility with a maximum rated capacity of no more than 2 megawatts, that converts energy from the sun into thermal or electrical energy, to any other person located on the same property, or on separately owned but contiguous property, where the solar energy generating facility is located.*

*(2) "person" means any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, government entity, and any other group or combination.*

*(3) "electric utility" means every person, corporation, partnership, association, governmental entity, and their lessees, trustees, or receivers, other than a local solar electricity supplier, supplying electricity to ultimate consumers of electricity within this state.*

*(4) "local government" means any county, municipality, special district, district, authority, or any other subdivision of the state.*

*(d) ENFORCEMENT AND EFFECTIVE DATE. This amendment shall be effective on January 3, 2017.*

Effective Date:

*January 3, 2017*

## **B. Effect of Proposed Amendment**

The amendment prohibits state and local government regulation of local solar electricity suppliers with respect to rates, service, or territory, and prohibits electric utilities from discriminating against customers of local solar electricity suppliers with respect to rates, charges, and terms of service. The amendment limits or prevents barriers to the sale of electricity by local solar electricity suppliers directly to customers.

## C. Background

### Sponsor of the Proposed Amendment

Floridians for Solar Choice, Inc. is the official sponsor of the proposed amendment. The sponsor's website describes the organization as a "grassroots citizens' effort to allow more homes and businesses to generate electricity by harnessing the power of the sun."<sup>1</sup>

### Public Service Commission (PSC)

The Florida Public Service Commission (PSC) is an arm of the legislative branch that regulates the electric, natural gas, water and wastewater, and telecommunications industries in the state. The PSC consists of five commissioners who are appointed by the Governor to four-year terms.<sup>2</sup>

For electric utilities, the commission has regulatory authority over each public utility. "Public utility" is defined to mean every person or legal entity supplying electricity to or for the public within this state, but to expressly exclude both a rural electric cooperative and a municipality or any agency thereof.<sup>3</sup>

With respect to electric utilities, the PSC regulates investor-owned electric companies' rates and charges, meter and billing accuracy, electric lines up to the meter, reliability of the electric service, new construction safety code compliance for transmission and distribution, territorial agreements and disputes, and the need for additional power plants and transmission lines. The PSC does not regulate rates and adequacy of services provided by municipally owned and rural cooperative electric utilities, except for safety oversight; electrical wiring inside the customer's building; taxes on the electric bill; physical placement of transmission and distribution lines; damage claims; right of way; and the physical placement or relocation of utility poles.<sup>4</sup>

### Electric Utilities

Pursuant to Chapter 366, F.S., the PSC has regulatory authority over 58 electric utilities, including 5 investor-owned utilities, 35 municipal utilities, and 18 rural electric cooperatives.<sup>5</sup> According to the PSC's 2012 publication entitled "Statistics of the Florida Electric Utility Industry," for each year between 1998 and 2012, of total net capacity statewide, investor-owned utilities had approximately 75 percent of total megawatts, and municipal and rural electric cooperatives combined made up the other 25 percent.

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<sup>1</sup> Floridians for Solar Choice website: <http://www.flsolarchoice.org/>

<sup>2</sup> Chapter 350, Florida Statutes.

<sup>3</sup> Section 366.02(1), F.S.

<sup>4</sup> Florida Public Service Commission, "When to Call the Florida Public Service Commission" available at [http://www.psc.state.fl.us/publications/consumer/brochure/When\\_to\\_Call\\_the\\_PSC.pdf](http://www.psc.state.fl.us/publications/consumer/brochure/When_to_Call_the_PSC.pdf)

<sup>5</sup> Florida Public Service Commission, "Facts and Figures of the Florida Utility Industry" March 2015 available at <http://www.psc.state.fl.us/publications/pdf/general/factsandfigures2015.pdf>

### *Investor-Owned Electric Utilities*

Currently, five investor-owned utilities (Florida Power and Light Company, Duke Energy Florida, Inc., Tampa Electric Company, Gulf Power Company, and Florida Public Utilities Corporation) operate in Florida. The PSC has regulatory authority over all aspects of operations, including rates and safety.<sup>6</sup>

### *Municipal Electric Utilities*

There are 35 generating and non-generating municipal electric utilities in Florida.<sup>7</sup> According to the Florida Municipal Electric Association, municipal utilities are not-for-profit and are governed by an elected city commission or an appointed or elected utility board. Capital is raised through operating revenues or the sale of tax-exempt bonds.<sup>8</sup> Together, these utilities serve 15 percent of the state's population.<sup>9</sup> Payments from their customers are considered to be local government revenues.

### *Rural Electric Cooperatives*

Rural electric cooperatives were created as the result of the Rural Electrification Act of 1936. At the time, electric utilities did not provide service in large portions of Florida since the cost of providing such service in the non-urban areas was prohibitive. The cooperatives were formed to make electricity available in rural areas. Today these electric cooperatives are still not-for-profit electric utilities that are owned by the members they serve and provide at-cost electric service to their members. Each cooperative is governed by a board of cooperative members that is elected by the membership. Today Florida has 16 distribution cooperatives and 2 generation and transmission cooperatives that serve 10 percent of the state's population.<sup>10</sup>

### Solar Energy in Florida

According to the PSC, as of 2013, there were 6,678 customer-owned solar systems in Florida.<sup>11</sup> This number dramatically increased over the previous six years, as can be seen in the following table prepared by the PSC. The increase was primarily due to the rapidly decreasing price of solar energy systems and the availability of state and federal incentives which alleviate substantial up-front costs to customers.

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<sup>6</sup> Ibid, p.10.

<sup>7</sup> Ibid, p.11.

<sup>8</sup> Florida Municipal Electric Association, "Florida Public Power" webpage, available at <http://publicpower.com/floridas-electric-utilities-2/>

<sup>9</sup> Florida Municipal Electric Association, "Who is FMEA?" webpage, available at <http://publicpower.com/who-is-fmea/>

<sup>10</sup> Florida Electric Cooperatives Association, "About Us" webpage, available at <http://www.feca.com/about.html>

<sup>11</sup> PSC Memorandum provided for presentation at April 10, 2015 FIEC Public Workshop

Customer-Owned Solar Generation												
	# of Customer-Owned Solar Systems						kW Gross Power Rating					
	2008	2009	2010	2011	2012	2013	2008	2009	2010	2011	2012	2013
IOU	383	1,045	1,855	2,803	3,799	4,818	1,696	7,653	12,442	19,441	30,401	43,876
Municipal	137	313	493	614	791	1,007	797	3,378	4,099	5,002	7,021	11,787
Rural Electric Cooperative	57	267	461	549	684	853	272	1,955	2,667	3,262	4,099	4,865
<b>TOTAL</b>	<b>577</b>	<b>1,625</b>	<b>2,809</b>	<b>3,966</b>	<b>5,274</b>	<b>6,678</b>	<b>2,765</b>	<b>12,986</b>	<b>19,208</b>	<b>27,705</b>	<b>41,521</b>	<b>60,528</b>

### Net Metering

Net metering allows utility customers with renewable energy systems to pay their utility for only the net energy used. Depending on its supply of or demand for electricity at various times; a home or business with a solar energy system may export excess power to the electric grid or import power from the grid. If a customer produces more electricity than consumed, the utility bill will be credited for the excess production. Net metering is currently allowed and commonly used in Florida.

### Third-Party Financing Models

Third-party financing models alleviate the large upfront costs of purchasing and installing solar energy systems, making it more affordable for customers to adopt the use of solar power without the initial capital investment requirements.

#### *Solar Leases*

A solar lease is a financial agreement in which a property owner enters into a lease for the installation of a solar energy system. The property owner pays the company for the use and maintenance of the solar equipment. Typically, the electricity produced by the solar energy system is consumed on the property with any excess being transferred to the electric utility serving the property. Solar leases are permitted under current law in Florida.

#### *Solar Power Purchase Agreements (PPAs)*

A solar power purchase agreement (PPA) is a financial agreement in which a developer installs and finances a solar energy system on a customer's property. The customer then purchases the power generated from the system from the developer at a fixed rate, which is typically lower than the local utility's retail rate. The developer maintains responsibility for the operation and maintenance of the system for the duration of the PPA, which typically ranges from 10 to 25 years.

In the U.S. Department of Energy's 2010 report entitled "Solar PV Project Financing: Regulatory and Legislative Challenges for Third-Party PPA System Owners", refers to the following court case and ruling related to PPAs in Florida:

"In 1987, the Florida Public Service Commission (FPSC) considered a proposed cogeneration project for which PW Ventures, Inc. (PW Ventures) would have sold electricity from their plant exclusively to Pratt and Whitney (the customer) to provide most of their power needs (PW Ventures v. Nichols, 533 So. 2d 281). Supplementary power needs and emergency backup power would have come from the local utility, Florida Power & Light. The definition of a "Public utility" as defined by Florida Statute 366.02 is:

Every person, corporation, partnership, association, or other legal entity and their lessees, trustees, or receivers supplying electricity or gas...to or for the public within this state.

In their ruling on the issue, the FPSC focused on the definition of "to or for the public." PW Ventures argued that to be considered a utility they would have to sell their power to the general public to be considered a utility. However, the Commission determined that the definition of "to or for the public" could mean one customer, meaning that by selling only to Pratt and Whitney, PW Ventures was selling to the public and would be deemed a public utility. Without a change in statute, this ruling appears to eliminate the possibility of using the third-party PPA model in Florida without PSC regulation (FPSC 1987)."

Further, in regards to net metering and PPAs, Floridians for Solar Choice, the proponents of the ballot amendment, provided the following:

"Currently, a property owner who owns his own solar panels can net meter. A property owner who leases panels from a third party can net meter. These activities are permitted because the property owner is not purchasing solar electricity from a third party, but is instead purchasing or leasing the panels. A property owner who buys solar generated power from a company which has placed solar panels on his or her property cannot net meter."

Current law in Florida makes PPAs infeasible because the purchase of solar-generated electricity in these types of financial agreements would subject the provider of electricity to PSC regulation as an "electric utility."

### State and Local Revenues

#### *Sales Tax*

Section 212.08(7)(hh), F.S., provides a sales tax exemption for solar energy systems and any component thereof. Section 212.02(26), F.S., defines "solar energy system" as "the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, or other applications that would otherwise require the use of a conventional source of energy such as petroleum

products, natural gas, manufactured gas, or electricity." The Florida Solar Energy Center publishes a comprehensive list of solar energy system components.

Section 212.08(7)(j), F.S., provides an exemption for household fuels including sales of utilities to residential households by utility companies that pay gross receipts tax. The sale of electricity produced from solar energy is included in this exemption.

Section 212.05, F.S., levies a 4.35 percent tax on the sale of electricity to nonresidential consumers. Section 212.06(1)(b), F.S., provides the corresponding use tax. Section 212.07(1)(b), F.S., provides an exemption for sales for resale.

#### *Gross Receipts Tax*

Pursuant to ch. 203, F.S., Gross Receipts Taxes are imposed on sellers of electricity and natural or manufactured gas at a rate of 2.5 percent and on the sale of communications services at a rate of 2.52 percent. In addition, a rate of 2.6 percent is levied on sales to non-residential customers-not-otherwise exempt.

The gross receipts "use tax" in ss. 203.01(1)(h)&(i), F.S., provides that any electricity produced and used by a person, cogenerator, or small power producer, is subject to the Gross Receipts Tax.

All Gross Receipts Tax revenues are deposited in the Public Education Capital Outlay (PECO) Trust Fund, which is administered by the Department of Education (DOE). These revenues are primarily used to pay debt service on outstanding PECO bonds, but may be used for additional education-related purposes if any revenues are available after debt service is paid.

#### *Ad Valorem Tax*

The ad valorem tax is an annual tax levied by local governments based on the value of real and tangible personal property as of January 1 of each year. Florida's constitution prohibits the state government from levying an ad valorem tax except on intangible personal property. The taxable value of real and tangible personal property is the just value (i.e., the fair market value) of the property adjusted for any exclusion, differential, or exemption allowed by the Florida Constitution or the statutes. The Florida Constitution strictly limits the Legislature's authority to provide exemptions or adjustments to fair market value. Also, with certain exceptions for millage levies approved by the voters, the Florida Constitution limits county, municipal and school district levies to ten mills each.

Section 193.624 (2), F.S., provides that when determining the assessed value of real property used for residential purposes, an increase in the just value of the property attributable to the installation of a renewable energy source device may not be considered.

## *Franchise Fees*<sup>12</sup>

Article VIII, Section 2(b), Florida Constitution, provides:

(b) **POWERS.** Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

Section 166.021, F.S., grants extensive home rule power to municipalities. A municipality has the complete power to legislate by ordinance for any municipal purpose, except in those situations that a general or special law is inconsistent with the subject matter of the proposed ordinance.

Not all local government revenue sources are taxes requiring general law authorization under Article VII, Section 1(a), Florida Constitution. When a county or municipal revenue source is imposed by ordinance, the judicial test is whether the charge meets the legal sufficiency test, pursuant to Florida case law, for a valid fee or assessment. If not a valid fee or assessment, the charge is a tax and requires general law authorization. If not a tax, the fee or assessment's imposition is within the constitutional and statutory home rule power of municipalities and counties.

When analyzing the validity of a home rule fee, judicial reliance is often placed on the type of governmental power being exercised. Generally, fees fall into two categories. Regulatory fees, such as building permit fees, inspection fees, impact fees, and stormwater fees, are imposed pursuant to the exercise of police powers as regulation of an activity or property. Such regulatory fees cannot exceed the cost of the regulated activity and are generally applied solely to pay the cost of the regulated activity.

In contrast, proprietary fees, such as user fees, rental fees, and franchise fees, are imposed pursuant to the exercise of the proprietary right of government. Such proprietary fees are governed by the principle that the fee payer receives a special benefit or the imposed fee is reasonable in relation to the privilege or service provided. For each fee category, rules have been developed by Florida case law to distinguish a valid fee from a tax.

Local governments may exercise their home rule authority to impose a franchise fee upon a utility for the grant of a franchise and the privilege of using a local government's rights-of-way to conduct the utility business. The franchise fee is considered fair rent for the use of such rights-of-way and consideration for the local government's agreement not to provide competing utility services during the term of the franchise agreement. The imposition of the fee requires the adoption of a franchise agreement, which grants a special privilege that is not available to the general public. Typically, the franchise fee is calculated as a percentage of the utility's gross revenues within a defined geographic area. A fee imposed by a municipality is based upon the gross revenues received from the incorporated area while a fee imposed by a county is generally based upon the gross revenues received from the unincorporated area.

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<sup>12</sup> The following discussion of franchise fees is based on materials contained in Nabors, Giblin & Nickerson, P.A., Primer on Home Rule & Local Government Revenue Sources (June 2014).

In Fiscal Year 2012-13, 343 municipal governments in Florida collected \$656.5 million in franchise fee revenues, of which \$546.5 million (83.3 percent) was from electricity franchise fees. Electricity franchise fee revenues accounted for 1.7 percent of total municipal government revenues for that fiscal year. In Fiscal Year 2012-13, 13 county governments in Florida collected \$160.3 million in franchise fee revenues, of which \$139.0 million (86.7 percent) was from electricity franchise fees. Similar to the municipal governments, the electricity franchise fee revenues accounted for 0.4 percent of total county government revenues. Summaries of prior years' franchise fee revenues as reported by local governments are available on the Office of Economic and Demographic Research's (EDR) website.<sup>13</sup>

### *Public Service Tax*

Municipalities and charter counties may levy by ordinance a public service tax on the purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, and water service.<sup>14</sup> The tax is levied only upon purchases within the municipality or within the charter county's unincorporated area and cannot exceed 10 percent of the payments received by the seller of the taxable item. Services competitive with those listed above, as defined by ordinance, can be taxed on a comparable base at the same rates; however, the tax rate on fuel oil cannot exceed 4 cents per gallon.<sup>15</sup> The tax proceeds are considered general revenue for the municipality or charter county.

All municipalities are eligible to levy the tax within the area of its tax jurisdiction. In addition, municipalities imposing the tax on cable television service, as of May 4, 1977, may continue the tax levy in order to satisfy debt obligations incurred prior to that date. By virtue of a number of legal rulings in Florida case law, a charter county may levy the tax within the unincorporated area. For example, the Florida Supreme Court ruled in 1972 that charter counties, unless specifically precluded by general or special law, could impose by ordinance any tax in the area of its tax jurisdiction that a municipality could impose.<sup>16</sup> In 1994, the Court held that Orange County could levy a public service tax without specific statutory authority to do so.<sup>17</sup>

The tax is collected by the seller of the taxable item from the purchaser at the time of payment.<sup>18</sup> At the discretion of the local taxing authority, the tax may be levied on a physical unit basis. Using this basis, the tax is levied as follows: electricity, number of kilowatt hours purchased; metered or bottled gas, number of cubic feet purchased; fuel oil and kerosene, number of gallons purchased; and water service, number of gallons purchased.<sup>19</sup> A number of tax exemptions are specified in law.<sup>20</sup>

A tax levy is adopted by ordinance, and the effective date of every tax levy or repeal must be the beginning of a subsequent calendar quarter: January 1st, April 1st, July 1st, or October 1st.

<sup>13</sup> <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/index.cfm>

<sup>14</sup> Section 166.231(1), F.S.

<sup>15</sup> Section 166.231(2), F.S.

<sup>16</sup> *Volusia County vs. Dickinson*, 269 So.2d 9 (Fla. 1972).

<sup>17</sup> *McLeod vs. Orange County*, 645 So.2d 411 (Fla. 1994).

<sup>18</sup> Section 166.231(7), F.S.

<sup>19</sup> Section 166.232, F.S.

<sup>20</sup> Section 166.231(3)-(6) and (8), F.S.

The taxing authority must notify the Department of Revenue (DOR) of a tax levy adoption or repeal at least 120 days before its effective date. Such notification must be furnished on a form prescribed by the DOR and specify the services taxed, the tax rate applied to each service, and the effective date of the levy or repeal as well as other additional information.<sup>21</sup>

The seller of the service remits the taxes collected to the governing body in the manner prescribed by ordinance.<sup>22</sup> The tax proceeds are considered general revenue for the municipality or charter county. As previously mentioned, taxing authorities are required to furnish information to the DOR and the Department maintains an online database that can be searched or downloaded.<sup>23</sup>

In Fiscal Year 2012-13, 327 municipal governments collected \$864.1 million in Public Service Tax revenues of which \$686.3 million (79.4 percent) was from public service taxes on electricity. Electricity public service tax revenues made up 2.1 percent of total municipal revenues in that fiscal year. Also in Fiscal Year 2012-13, 12 charter county governments collected \$255.8 million in Public Service Tax revenues, of which \$224.1 million (87.6 percent) was from public service taxes on electricity. Similar to the municipalities, the electricity public service taxes made up 0.8 percent of the counties total revenues in that fiscal year. Summaries of prior years' revenues reported by county and municipal governments are available on EDR's website.<sup>24</sup>

#### *Regulatory Assessment Fees*

Section 366.14, F.S., provides that each regulated company under the jurisdiction of the PSC must pay a fee based on its gross operating revenues derived from intrastate business, excluding sales for resale between public utilities, municipal electric utilities, and rural electric cooperatives, or any combination. Statutorily, the rate for investor-owned utilities that supply electricity can be no greater than 0.125 percent, and the rate for municipal electric utilities and rural electric cooperatives can be no greater than 0.015625 percent. PSC Rule 25-6.0131, F.A.C., establishes the fee on investor-owned electric utilities at 0.072 percent and municipal and rural electric cooperative utilities at the statutory maximum 0.015625 percent.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

Section 100.371(5)(a), F.S., requires that the Financial Impact Estimating Conference "... complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative."

As part of determining the fiscal impact of this amendment, the Conference held four public meetings:

- Public Workshop on April 10, 2015

<sup>21</sup> Section 166.233(2), F.S.

<sup>22</sup> Section 166.231(7), F.S.

<sup>23</sup> <http://dor.myflorida.com/dor/governments/mpst/>

<sup>24</sup> <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/index.cfm>

- Principals' Workshop on April 24, 2015
- Formal Conference on May 6, 2015 and May 7, 2015

#### A. FISCAL ANALYSIS BACKGROUND

##### Requested Information from State Entities and other Organizations

The following table provides a summary of information gathered from several state entities and other organizations that presented information to the FIEC. Information specific to tax revenues that was provided by the Department of Revenue (DOR) is addressed separately under the "Tax Treatment of Solar Equipment and Energy in Florida" section of this report.

Presenter	Date	Summary of Information
Public Service Commission (PSC)	April 10 <sup>th</sup> April 24 <sup>th</sup>	Commission staff indicated that implementation costs are unknown at this time. Staff provided information on Regulatory Assessment Fees; which are designed to cover the costs of utility regulation. The revenue reductions associated with the amendment will depend on the degree of displacement of traditional utility activity. At a minimum, rule-making would be necessary to change the Regulatory Assessment Fee rate.
Department of Revenue (DOR)	April 24 <sup>th</sup>	The key to implementation is voluntary compliance – payment of Gross Receipts Use Tax. DOR did not identify specific implementation costs but indicated the need to work with various stakeholders to facilitate voluntary compliance methods.
Florida League of Cities	April 10 <sup>th</sup> April 24 <sup>th</sup>	The impact will depend on the degree to which the amendment incentivizes additional solar activity. There are two scenarios that could impact the franchise fee revenues. The first is a reduction in the gross revenues of an electric utility due to increased generation of local small-scale solar-generated electricity. The second is the potential termination or renegotiation of franchise fee agreements. Costs associated with the permitting process for building/installing solar may have to be re-evaluated in the event of an expansion of solar. Net metering agreements and insurance requirements on interconnections to the grid may also have to be re-evaluated.
Florida Association of Counties	April 24 <sup>th</sup>	Public Service Tax collections will likely be reduced. Franchise fee agreements would likely be terminated, in which case the agreements would have to be re-negotiated, probably at a loss to the affected counties.

The PSC, Florida League of Cities, and Florida Association of Counties all believe that there will be costs to implement the amendment. However, those costs are currently unknown. The Florida League of Cities and Florida Association of Counties believe that the Public Service Tax and franchise fees will likely see reduced collections, but the amount is unknown. The Regulatory Assessment Fee imposed on the municipal electric utilities and rural electric

cooperatives is already at the statutory maximum rate. If the amendment's implementation results in a future reduction to the gross operating revenues of municipal electric utilities and rural electric cooperatives, it is possible that the Florida Legislature would consider a statutory rate increase in order to prevent a potential future revenue loss to the Public Service Commission. The Regulatory Assessment Fee currently imposed on the investor-owned utilities is not at the maximum rate, so there would be flexibility to adjust that rate to the extent needed, if the amendment results in changes to gross operating revenues of the utilities.

Solar Business Models

The following table describes five different solar business models. The first four were identified by Floridians for Solar Choice, and the fifth was identified by the FIEC. Models A and B are permitted under current law, while models C, D, and E are not.

	<b>Business Model Description</b>	<b>Allowable Under Current Law?</b>
<b>A</b>	A property owner contracts for the purchase and installation of solar equipment that provides energy to the property.	Yes
<b>B</b>	A property owner enters into a lease for the installation of solar equipment on the property with the solar energy being consumed on the property. The property owner pays the company for the use and maintenance of the solar equipment.	Yes
<b>C</b>	A property owner allows a company to install equipment on the property and purchases some, but not necessarily all, of the solar energy from the company. The solar energy system may be financed through a PPA which requires the purchaser to pay a monthly charge to the solar supplier based on the amount of solar electricity used at the property.	No
<b>D</b>	A property owner provides solar-generated electricity to itself and also sells it to contiguous property owners.	No
<b>E</b>	Multiple contiguous property owners purchase solar-generated electricity from a centrally located solar-panel hub owned by someone other than an electric utility.	No

Tax Treatment of Solar Equipment and Solar Energy in Florida

The following table and explanatory notes were prepared by the Department of Revenue (DOR) and present six scenarios related to potential solar energy financial arrangements. The table presents the sales tax and gross receipts tax implications of each scenario. Scenarios III. and VI. are permitted under current law, while Scenarios I., II., IV., and V. are not.

Scenario	Purchase of Solar System		Use of self-generated electricity		Sale of excess electricity to neighbor (or utility in III. and VI.)	
	Sales/Use	Use of self-generated electricity	Sales/Use	Gross Receipts	Sales/Use	Gross Receipts
I. A residential household buys or leases a solar system then sells excess electricity directly to a neighbor without going through the local utility/grid.	exempt	use tax	exempt	use tax	exempt if neighbor is residential; taxable if neighbor is commercial and not otherwise exempt	arguably taxable
II. A residential household buys or leases a solar system then sells excess electricity directly to a neighbor using another entity's distribution system.	exempt	use tax	exempt	use tax	exempt if neighbor is residential; taxable if neighbor is commercial and not otherwise exempt	arguably not taxable
III. A residential household buys or leases a solar system, sells the excess electricity to the local utility under a net-metering agreement. The local utility then sells the electricity to the household's neighbor.	exempt	use tax	exempt	use tax	exempt as a sale for resale	exempt as a sale for resale
IV. A commercial business buys or leases a solar system, then sells the excess electricity directly to a neighbor without going through the local utility/grid.	exempt	use tax	use tax	use tax	exempt if neighbor is residential; taxable if neighbor is commercial and not otherwise exempt	arguably taxable
V. A commercial business buys or leases a solar system, then sells the excess electricity directly to a neighbor using another entity's distribution system.	exempt	use tax	use tax	use tax	exempt if neighbor is residential; taxable if neighbor is commercial and not otherwise exempt	arguably not taxable
VI. A commercial business buys or leases a solar system, then sells the excess electricity to a local utility under a net-metering agreement. The local utility sells the electricity to the commercial business's neighbor.	exempt	use tax	use tax	use tax	exempt as a sale for resale	exempt as a sale for resale

In the last column of the table above, some of the scenarios are categorized as “arguably” taxable or “arguably” not taxable. The uncertainty stems from the definition of “distribution company.” The Gross Receipts Tax is imposed on “distribution companies.” Section 203.012(1), F.S., defines the term “distribution companies” as meaning: “... any person owning or operating local electric or natural or manufactured gas utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas. ...” [emphasis added] The term “distribution facilities” is not defined in statute. Arguments both for and against someone being considered a “distribution company” could be made. The spectrum of fact patterns that one can envision would range from a power producer like a traditional large investor-owned utility to a future wherein neighbors share electricity they produce through wiring that they install and maintain.

## B. FISCAL ANALYSIS CONCLUSIONS BY THE FIEC

There are numerous favorable and unfavorable factors affecting the adoption of solar technology to produce electricity in Florida. The amendment will likely induce more solar electricity generation than would have occurred in its absence. In this regard, the conference agrees with the following statement in the joint memorandum from Florida Power & Light Company, Duke Energy Florida, Tampa Electric Company and Gulf Power Company (the Utilities) dated April 22, 2015: “The express purpose of the proposed Initiative is to ‘encourage and promote local small-scale solar-generated electricity’ (Section (a) of the proposed Initiative) and to facilitate its sale to electric consumers in Florida. Those sales will necessarily displace sales of electricity currently made by the Utilities, as well as by municipal utilities and electric cooperatives.” The items discussed below are influenced by this premise.

### **Regulatory Assessment Fees**

#### **State Impact: Reduction in Revenue**

1. The relevant impact is limited to state government.
2. Current revenues are likely to decline due to sales by traditional utilities displacing sales by local solar electricity suppliers.
3. The Public Service Commission has the ability to act to generate additional dollars.
  - i) For Investor-Owned Utilities, the assessment rate is not at its statutory maximum.
  - ii) For Municipal and Rural Electric Cooperative Utilities, the assessment rate has reached its statutory maximum.
  - iii) Section 350.113(3), F.S. reads in part: “The fee shall, *to the extent practicable*, be related to the cost of regulating such type of regulated company.” [emphasis added]

### **Municipal Utility Revenues**

#### **Local Impact: Probable Revenue Loss to Local Governments**

1. Payments by customers to the municipally owned utilities are local government revenues that are used to operate the utility and in some cases to finance the general operations of government.
2. To the extent that production and sale of electricity by local solar electricity suppliers displaces municipal utility sales, local government revenues will be reduced.
3. It is unknown how local governments will respond to the loss of revenue.

## **Local Government Franchise Agreements**

### **Local Impact: Probable Revenue Loss to Local Governments**

1. Since franchise fees are calculated based on the gross sales of electricity by utilities, each reduced or eliminated sale by a utility results in a reduction in the amount of fees collected.
2. The conference agrees with the following statement in the joint memorandum from Florida Power & Light Company, Duke Energy Florida, Tampa Electric Company and Gulf Power Company dated April 22, 2015: "There is no question that those franchise fees would *not* be paid on LSES [Local Solar Electricity Suppliers] sales. This is because the agreements pursuant to which utilities pay franchise fees are bilateral contracts between the specific utilities and the counties and municipalities that the utilities serve. There is no counterpart to those franchise agreements for LSES sales."
3. Renegotiation of local government franchise agreements resulting in lower rates than would have occurred in the absence of the amendment is also likely. However, the timing of such reduction is unclear. Whether it occurs as a result of outright cancellation or upon the expiration of current agreements is unknown. At a minimum, local governments will experience a loss in bargaining strength and will be at a disadvantage in future negotiations.
4. In public and written testimony provided on April 24, 2015 to the FIEC, representatives of the Florida League of Cities and the Florida Association of Counties expressed concerns that current electric utility franchise agreements may be impaired.
5. It is unknown how local governments will respond to the loss of revenue.

## **Ad Valorem Taxes**

### **Local Impact: Probable Initial Revenue Gain to Local Governments**

1. The installation of more solar energy systems on non-residential properties than would have occurred in the amendment's absence will increase ad valorem revenues to local governments at current millage rates.
2. Over time, the Ad Valorem Taxes paid by electric utilities may be lower than otherwise as their need for additional generating capacity is reduced by expanded solar electricity production.
3. It is unknown how local governments will respond to the changes in revenue.

## **Public Service Tax**

### **Local Impact: Probable Revenue Loss to Local Governments**

1. The Public Service Tax does not have a "use tax" provision; consequently electricity produced but not sold by local solar electricity suppliers is not subject to the tax.
2. To the extent that the electricity produced by local solar electricity suppliers reduces sales of electricity, tax collections will be reduced.
3. It is unknown how local governments will respond to the loss of revenue.
4. It is possible—but cannot be deemed probable—that the Legislature would act to change the basis of this tax to capture additional kinds of sales or impose a use tax.

## **Gross Receipts Tax**

### **State Impact: Probable Revenue Loss to State Government**

1. In regard to (a) the use of self-generated electricity and (b) sales that are not reliant on the grid for transmission, the use tax provisions associated with the Gross Receipts Tax rely on voluntary compliance, which is overall less effective than traditional tax collection methods.
2. In regard to sales of excess electricity that use another entity's distribution system, the sales are arguably not taxable, but the consumer of that electricity is subject to use tax.
3. In regard to sales of excess electricity through net metering agreements with electric utilities, the sales are exempt as sales for resale; however, the sale by the utility to a customer is taxable.
4. It is unknown how state government would respond to the loss of revenue.
5. It is possible—but cannot be deemed probable—that the Legislature would act to increase enforcement of use tax provisions or to otherwise broaden the taxable base.
6. It is probable that the Department of Revenue would act to increase voluntary compliance in some manner, but the outcome is uncertain and likely to be less than 100 percent effective.

## **Sales Tax**

### **State and Local Impact: Probable Revenue Loss to State and Local Governments**

1. In regard to self-generated electricity for commercial purposes, the use tax provisions associated with the Sales Tax rely on voluntary compliance, which is overall less effective than traditional tax collection methods.
2. In regard to sales of excess electricity for commercial purposes that use another entity's distribution system, the sales are taxable.
3. In regard to sales of excess electricity through net metering agreements with electric utilities, the sales are exempt as sales for resale; however, the sale by the utility to a customer is taxable.
4. It is unknown how state and local governments would respond to the loss of revenue.
5. It is possible—but cannot be deemed probable—that the Legislature would act to increase enforcement in some manner.
6. It is probable that the Department of Revenue would act to increase voluntary compliance in some manner, but the outcome is uncertain and likely to be less than 100 percent effective.

## **Implementation and Compliance Costs**

### **State and Local Impact: Probable Minor Costs to State and Local Governments**

1. The Public Service Commission is likely to incur one-time administrative costs related to the implementation of the amendment, particularly in regard to rule-making activities.
2. The Department of Revenue is likely to incur administrative costs related to the implementation of the amendment, particularly in regard to rule-making and compliance activities.
3. To the extent that current administrative practices are changed, local governments are likely to incur costs related to the implementation of and compliance with the amendment. Some of these costs will likely be offset by fees.
4. All of these costs are expected to be minor.

**IN THE SUPREME COURT OF FLORIDA**

Case Numbers SC15-780 and SC15-890

**ADVISORY OPINION TO THE ATTORNEY GENERAL  
RE: LIMITS OR PREVENTS BARRIERS TO  
LOCAL SOLAR ELECTRICITY SUPPLY**

**ADVISORY OPINION TO THE ATTORNEY GENERAL  
RE: LIMITS OR PREVENTS BARRIERS TO  
LOCAL SOLAR ELECTRICITY SUPPLY (FIS)**

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**BRIEF OF INTERESTED PARTIES  
FLORIDA LEAGUE OF CITIES, INC., and  
FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC.**

**IN OPPOSITION TO THE PROPOSED AMENDMENT**

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## STATEMENT OF THE CASE AND FACTS

The Florida Attorney General has requested this Court's advisory opinion on the validity of an initiative petition titled, "Limits or Prevents Barriers to Local Solar Electricity Supply," which has been assigned Case No. SC15-780 by the Court. The Attorney General also has requested the Court's review of the Financial Impact Statement prepared for the amendment, assigned Case No. SC15-890. The Court will determine (1) Whether the ballot title and summary are clear and unambiguous and thus comport with the requirements of Section 101.161(1), Florida Statutes; and (2) Whether the proposed amendment violates Article XI, section 3 of the Florida Constitution, which requires that the proposed amendment embrace but one subject.

## STANDARD OF REVIEW

The issues before the Court are questions of law, and therefore the review is *de novo*.

## SUMMARY

The Solar Initiative does not comport with the requirements of the Florida Constitution or the Florida Statutes. It does not reveal its impacts to municipalities, electric utilities, utility customers, and the public at large. Moreover, it violates the single-subject requirement of the Florida Constitution by impacting multiple layers of government and, in particular, the Legislature.

The proposed amendment will disrupt contractual relationships between and among municipalities and utilities that enter into franchise agreements to provide electric utilities to municipal citizens. The Solar Initiative will reduce revenues available to municipalities and utilities under Florida law and, as a result, municipalities will curtail services to citizens or will be forced to pass additional fees inequitably onto non-solar customers in order to recoup revenue losses. These impacts are not disclosed to the electors in the ballot title and summary, as required.

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The Solar Initiative will significantly impact the ability of the state and local governments from protecting the health, safety, and welfare. Irrespective of how reasonable or necessary such protections are, if they have the effect of prohibiting in a particular instance the generation or supply of solar energy, the protections will be disallowed.

The Solar Initiative violates the constitutional single-subject requirement by engaging in logrolling in that it forces a voter to balance a preference for solar power against the adverse fiscal impacts that the Initiative may have by resulting in inequitable rate structures between solar and non-solar utility customers. The Solar Initiative also performs multiple functions of government, including local governments and the state, and impairs the lawmaking power of the Florida

Legislature. The impacts are unauthorized and therefore the Solar Initiative should not be placed on the ballot for elector consideration.

### **STATEMENT OF INTEREST**

#### **A. THE FLORIDA LEAGUE OF CITIES, INC.**

The Florida League of Cities, Inc. ("League") has a special interest in the ballot initiative titled, "Limits or Prevents Barriers to Local Solar Electricity Supply" ("Solar Initiative") as a result of the anticipated financial and operating impacts of the Solar Initiative on Florida municipalities.

The League is a voluntary organization whose membership consists of municipalities and other units of local government rendering municipal services in the State of Florida. The League membership comprises more than 400 municipalities. Under its Charter, its purpose is to work for the general improvement of municipal government and its efficient administration, and to represent its members before various legislative, executive, and judicial branches of government on issues pertaining to their general and fiscal welfare.

The issues of interest to the League with respect to the Solar Initiative are:

- The material financial impact to municipalities based upon a reduction in franchise fees and public service tax revenues that will be received by Florida's municipalities.

- The financial impact on Florida's municipally-owned electric utilities because the proposal appears to prohibit a municipal utility from charging fees and conditioning service on solar energy customers that are rationally related to a utility's cost of accommodating the solar energy customer.
- The lack of clarity in the Solar Initiative language that will cause confusion and require litigation in order to ascertain its parameters.

The League does not oppose solar energy. In fact, the League currently is appearing as an amicus in a pending case in this Court in support of a law that permits cities to loan money to citizens to fund energy efficiency and renewable energy improvements to their homes. See, *Florida Bankers Association v. Florida Development Finance Corporation*, Case No. SC14-1603. For the reasons indicated above, however, the League brings to the attention of the Court the significant financial and operating impacts the Solar Initiative will have on Florida's municipalities.

**B. THE FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC.**

The Florida Municipal Electric Association, Inc. ("FMEA"), is the statewide trade association for 33 of Florida's public power retail electric utilities.<sup>1</sup> Founded in 1942 in response to the WWII fuel shortages, for more than 70 years FMEA has been committed to supporting its public power members in their goals for reliable

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<sup>1</sup> General information concerning FMEA as well as specific data about its public power members can be found at its website: [www.publicpower.com](http://www.publicpower.com).

and low-cost electric service to their communities. FMEA's member utilities provide approximately 15 percent of Florida's electric load, which translates to serving approximately three million Floridians.

Like the League, the FMEA is not opposed to solar energy. As the League has done, the FMEA also currently is appearing as an amicus in a pending case in support of a law that permits cities to loan money to citizens to fund energy efficiency and renewable energy improvements to their homes. See, *Florida*

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*Bankers Association v. Florida Development Finance Corporation*, Case No. SC14-1603.

If the Solar Initiative is approved, however, the retail customers of FMEA's members will be greatly incentivized to develop local solar facilities. This is an untenable position for FMEA's members, as they would be deprived of the right or ability under law to mitigate an ever-increasing cost shift to non-solar customers. Should more homes and businesses become solar customers as a result of the Solar Initiative, cost-shifting between solar and non-solar customers – as explained in greater detail, *infra* – could become quite substantial, particularly if municipal utilities are not allowed to fully recoup the cost of accommodating these solar customers.

## **C. EFFECT OF SOLAR INITIATIVE ON MUNICIPALITIES AND ELECTRIC UTILITIES**

The Solar Initiative would permit a “local solar electricity supplier” to use solar energy to generate up to two megawatts of electricity and to either consume it on the supplier’s property to sell it to the owners of “contiguous” property. The amendment prohibits electric utilities, including municipal electric utilities, from charging any fee or placing any service condition on the solar-generated electricity supplier’s customers that are not imposed on the utility’s other customers. The amendment permits laws designed to protect the public’s health, safety, and welfare so long as the laws don’t prohibit “the supply of solar-generated electricity by a local solar electricity supplier.”

### **(1) Effect on Franchise Agreements and Fees**

Many Florida municipalities charge franchise fees to electric utilities to permit the electric utility to provide electric service within the municipality’s jurisdiction. For the Fiscal Year ending September 30, 2012 (the most recent information available), Florida’s municipalities derived approximately \$563 million in franchise fees.<sup>2</sup>

Franchise fees are negotiated fees that are charged to the electric utility to provide electric service within the municipality. See, *Florida Power Corporation v. City of Winter Park*, 887 So. 2d 1237 (Fla. 2004); *City of Plant City v. Mayo*,

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<sup>2</sup> See, [edr.state.fl.us/content/local-government/data/revenues.expenditures/munifiscal.cfm](http://edr.state.fl.us/content/local-government/data/revenues.expenditures/munifiscal.cfm).

337 So. 2d 966 (Fla. 1976). The consideration from the municipality in exchange for the fees consists of three parts: (1) the privilege of using the municipality's rights-of-way, (2) the municipality's agreement not to compete with the electric utility, or to not allow others to compete with the electric utility, during the term of the franchise, and (3) a fee paid to the municipality to offset the costs incurred by the municipality as a result of the electric utility's disparate and exclusive use of public property. *City of Hialeah Gardens v. Dade Cnty.*, 348 So. 2d 1174 (Fla. 3rd DCA 1977); *Santa Rosa Cnty. v. Gulf Power Co.*, 635 So. 2d 96 (Fla. 1st DCA 1994), rev. denied, 645 So. 2d 452 (Fla. 1994); *Flores v. City of Miami*, 681 So. 2d 803 (Fla. 3rd DCA 1996). The electric utility collects the franchise fee from the customers who receive service within the municipality. See, Rule 15-6.100, F.A.C.

The prevailing practice in the electric industry is to account for solar-generated electricity through the use of a "net meter" installed by the electric utility. As electricity flows from the utility to the solar power generator, the meter records the amount of electricity flowing to the generator. When solar-generated electricity flows from the solar power generator to the electric utility, the meter literally "spins backwards." If the meter reads more than it did the last time it was read, this indicates that the solar generator has used more electricity than it generated, and the electric utility bills the owner the "net amount." For example,

assume that a customer's bill ordinarily would be \$200, but that customer generates \$125 in solar-generated electricity. In this case, the customer would only be billed \$75, the difference between the ordinary bill and the solar-generated electricity.

If the meter reads less than the last time it was read, that indicates that the solar energy generator generated more electricity than was used. In that case, the net amount is "banked" in the generator's account and is applied to the electric bill for the following month. As an example, if the customer's bill ordinarily would be \$125, and the same customer generates \$200 in solar energy, a \$75 credit will be banked to the customer's account. In either case, the generator results in lower revenues to the electric utility than otherwise as a result of the solar-generated electricity.

It is clear that the primary purpose of the Solar Initiative is to increase the amount of electricity generated by solar power. In doing so, the Solar Initiative undoubtedly will reduce the revenue streams of electric utilities. As a result, franchise fee revenues to municipalities will likewise be reduced, as franchise fees are based on a percentage of an electric utility's gross revenues. There will be impacts to the electric utility customer as a result. The electric rates will increase for those who cannot or do not generate solar energy, which would include seniors and middle-income citizens, and those who are not permitted to install solar

electric facilities, such as renters. Alternatively, municipalities will decrease services to accommodate the reductions in revenue occasioned by the Solar Initiative.

The Solar Initiative also will impair the consideration that the municipality provides to the electric utility in return for the franchise fee, as the municipality will no longer be able to prohibit others from providing electric services within the municipality. It therefore is likely that extant franchise agreements will no longer be valid due to decreased consideration, in that the franchise fee will no longer bear a reasonable nexus to the cost of using municipal rights-of-ways. See, *Alachua Cnty. v. State*, 737 So. 2d 1065 (Fla. 1999); see also, *Santa Rosa Cnty. v. Gulf Power Co.*, *supra*.

Further, franchise agreements often contain provisions that permit the electric utility to terminate the franchise agreement if any other person is permitted to provide electric services within the municipality, whether authorized by the municipality or through enactment of any law authorizing the same. Candidly, these provisions may be ameliorated somewhat by other provisions that may be contained in franchise agreement that give a municipality the right to purchase the electric utility's infrastructure upon termination of the agreement. Notwithstanding, it is clear that the Solar Initiative will disrupt the current

contractual relationships between municipalities and the electric utilities, as well as the franchise fee revenue that municipalities derive from the relationships.

**(2) Effect on Public Service Tax**

Florida law permits municipalities to levy a tax on the purchase of electricity in an amount not to exceed ten percent of the payments received by the electric utility. The tax is paid by customers who receive service from an electric utility within a municipality. Section 166.231, Fla. Stat. For the fiscal year ending December 30, 2012 (the most recent information available), municipalities received approximately \$666 million from the public service tax on electricity.<sup>3</sup> The Solar Initiative undoubtedly will cause a reduction in the public service tax revenues that municipalities currently derive from the public service tax on electricity.

The clear purpose of the Solar Initiative is to increase the production of solar-generated electricity. As stated above in “(1) Effect on Franchise Agreements and Fees,” the prevalent practice in the industry is to use “net metering” to account for solar-generated electricity. Those municipalities that levy the public service tax on electricity undoubtedly will experience a reduction in public service tax revenues as a result of the Solar Initiative.

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<sup>3</sup> See, [edr.state.fl.us/content/local-government/data/revenues.expenditures/munifiscal.cfm](http://edr.state.fl.us/content/local-government/data/revenues.expenditures/munifiscal.cfm).

In that case, it is likely that municipalities will be faced with two options. The municipality either will absorb the loss in revenues by decreasing municipal services, or recoup the lost revenues by increasing the public service tax – to the extent authorized by law – on all of its citizens. In the latter instance, the effect will be to shift a portion of the solar generator’s tax burden to those citizens who cannot install solar energy facilities, including those who are unable to afford the capital costs of the facilities, such as seniors and middle-income citizens, as well as those not allowed to install solar-electric facilities, such as renters.

**(3) Effect on Non-Solar Generating Customers**

The Solar Initiative seeks to limit or prevent

regulatory and economic barriers that discourage the supply of electricity generated from solar energy sources to customers who consume the electricity at the same or a contiguous property as the site of the solar electricity production.

“Contiguous property” is not defined in the proposed amendment, but clearly it includes individual parcels of real property that abut each other; large developments wherein real parcels abut one another, and shopping centers and shopping malls containing multiple businesses. Its impact therefore impacts a greater number of properties than may be inferred from its language.

The “regulatory and economic barriers” that are included within the terms of the Solar Initiative include “rate, service and territory regulations” that may be imposed by the state or local governments. Further, the “regulatory and economic

barriers” include “imposition by electric utilities of special rates, fees, charges, tariffs, or terms and conditions of service” on customers consuming solar electricity, unless they are also imposed on other customers of the “same type or class” who do not consume local solar electricity.

Solar-generated electricity is inherently sporadic and uncertain and is thus not dependable. Solar-generating facilities are unable to produce electricity when it is overcast, after sunset, and during storm events. They also are unable to generate electricity when they are shut down for maintenance reasons. Moreover, there is currently no economically viable method to store solar-generated electricity during these nonproductive periods. Therefore, solar electric customers must use conventional electricity when solar-generating facilities are unable to generate electricity. Concomitantly, electric utilities must continue to maintain the infrastructure necessary to provide electric service to solar energy customers irrespective of whether the customer is able to generate solar electricity.

Moreover, customers who generate solar electricity have a disparate cost impact on a utility’s infrastructure that is not shared by the customers who do not generate or consume solar electricity. As examples of the activities that will generate disparate cost impacts to solar and non-solar customers, electric utilities must monitor the flow of solar electricity through transmission lines and transfer stations, must account for the solar generated electricity, must conduct safety

inspections during the construction of solar generating facilities, must conduct safety reviews of the facilities' electrical systems, and must install meters. A fair reading of the Solar Initiative will not permit the utility to charge the solar energy customer for the disparate impact that the solar customer will have on the utility's system. Rather, citizens who do not generate or consume solar generated electricity will subsidize those who do.

This inequitable shifting of costs would be especially significant for smaller municipal utilities. Florida's municipal electric utilities vary greatly in size, from the Jacksonville Electric Authority – which has approximately 422,315 customers and a peak load of 2,665 MW – to the City of Moore Haven, which has approximately 1,058 customers and a peak load of 3.8 MW. In fact, of FMEA's 33 members, six utilities have peak loads less than 10 MW. The Solar Initiative would allow any person to enter into a municipal electric utility's service territory and supply electricity generated from a solar-generating facility of up to 2 MW to an existing customer and its contiguous properties, with no cap on the aggregate capacity of the generation on the utility's system.

As a result, the Solar Initiative could have a substantial impact on a municipal electric utility's system. It would not take many of these solar generating systems to engulf a small municipal electric utility's entire system. In such instance, however, the utility still would be required to maintain the generation and

distribution assets necessary to meet its entire load (i.e., its full potential load assuming all solar generation is offline).

Since the customers purchasing power from the solar generation would not be contributing fully to the fixed costs associated with the utility's generation and distribution system – and the Solar Initiative would prohibit the utility from directly assigning these costs to the solar generators or customers – these costs would be passed on to the non-solar customers. In a town with fewer than 1,000 customers to bear these costs, the impact to a non-solar customer would be quite significant.

Additionally, most municipal electric utilities require the solar energy customer to install a “disconnect switch” so that a utility worker repairing or maintaining the system is able to turn off the switch to disable temporarily the solar energy system. The owner in turn is able to switch the system back on when power is restored. Other electric utilities must remove the meter physically to assure that the solar energy system is turned off and the electric lines are not operating as “hot.” Again, when overall power is restored, the electric utility must return and reinstall the meter. The Solar Initiative, however, will not permit the electric utility to charge these costs to the solar energy customer. As a result, the Solar Initiative will require citizens who do not generate or consume solar generated electricity – inequitably – to subsidize the costs of those who do.

**(4) Effect on Public Health, Safety, and Welfare**

The Solar Initiative permits laws designed to protect the public's health, safety, and welfare so long as the laws do not operate to prohibit "the supply of solar-generated electricity by a local solar electricity supplier." In doing so, the initiative would impair numerous necessary public health, safety, and welfare regulations having the effect of prohibiting the supply of solar-generated electricity by a local solar electricity supplier. To name a few, wetlands protection laws, construction setback lines, pollution abatement measures, and nuisance abatement ordinances effectively could operate to prohibit a local solar electricity supplier from generating solar energy on a parcel of property.

## ARGUMENT

### 1. BALLOT TITLE AND SUMMARY ARE NOT CLEAR AND UNAMBIGUOUS

The Solar Initiative's ballot summary and title do not meet the requirements set forth in section 101.161, Florida Statutes. The Solar Initiative fails to disclose to the electors a number of impacts to municipalities, regulated electric utilities under contract to municipalities, electric utility customers, and the citizenry at large through impacts to the public health, safety, and welfare.

In order to pass legal muster, a ballot title and summary must be clear and unambiguous and must fairly inform voters of the chief purpose of the amendment and not mislead the public. *Advisory Opinion to Attorney General re Prohibiting State Spending for Experimentation that Involves the Destruction of a Live Human Embryo*, 959 So. 2d 210, 213-14 (Fla. 2007). To meet this requirement, a ballot's title and summary must, in clear and unambiguous language, fairly inform the voter of the chief purpose of the amendment. *Id.*

The Court must determine whether the language of the ballot title and summary, as written, mislead the public. *Id.* The ballot title and summary may not be read in isolation, but must be read together when the Court makes this determination. *Advisory Opinion to the Attorney Gen. re Fla. Amendment to Reduce Class Size*, 816 So.2d 580, 585 (Fla. 2002). Since the ballot title and summary are the only information available to the electors, their completeness and

accuracy are of paramount importance in the determination as to whether the proposed amendment may appear on the ballot. *Armstrong v. Harris*, 773 So. 2d 11, 13 (Fla. 2000).

Although the title of the Solar Initiative, "Limits or Prevents Barriers to Local Solar Electricity Supply," may at first blush appear to be clear and unambiguous, the ballot summary is defective because it does not appropriately convey to the voter the reasonably foreseeable impacts that the proposed amendment will have on municipal franchise agreements with electric utilities, municipal revenues, additional costs to electric utility customers who do not generate or consume local solar electricity, and the public health, safety, and welfare. Further, the Solar Initiative ballot summary does not accurately reflect the provisions included within the proposed amendment itself.

The title and ballot summary convey a sentiment that the purpose of the amendment would be to remove barriers to solar production by implying that the true purpose of the amendment would be to remove restrictions on the harnessing and transmittal of solar energy. While the Solar Initiative does call for the removal of regulatory barriers on production, much of the amendment would have the de facto effect of repealing, or requiring the adjustment of, rates, fees, charges, and tariffs on customers.

As outlined above in the Statement of Interest in “(1) Effect on Franchise Agreements and Fees,” the Solar Initiative will disrupt the current contractual relationships between municipalities and the electric utilities, as well as the franchise fee revenues municipalities derive from the contractual relationships. For the reasons outlined, supra, the Solar Initiative doubtless will result in reduced revenues from franchise fees available to municipalities and utilities. These revenue reductions will result in reduced services to municipal citizens, or will result in utility rate increases passed on to citizens. None of these impacts are disclosed in the ballot title and summary of the Solar Initiative.

At the least, the Solar Initiative will impact and disrupt the current contractual relationships municipalities have with electric utilities. As outlined above in the “Statement of Interest,” municipalities enter into exclusive contracts with utilities to provide electricity to customers. The Solar Initiative would impact those contractual obligations without disclosing the impact thereof to the electors. And, while municipalities may ultimately choose to purchase an electric utility in these circumstances, any additional costs resulting therefrom will be passed along to municipal residents. This realistic potential is not disclosed to the voter.

Further, as discussed above in the Statement of Interests in “(2) Effect on Public Service Tax,” once again municipal revenues will be reduced as a result of the Solar Initiative. In such a case, a municipality will reduce its services to its

citizens, increase utility rates or increase taxes to recoup the losses in municipal revenues.

Likewise, as iterated above in the Statement of Interests in “(3) Effect of Cost Shift to Non-Solar Generating Customers,” the Solar Initiative does not permit the utility to charge the solar energy customer for the disparate impact that the solar customer will have on the utility’s system. In practice, solar generation requires utilities to monitor the flow of solar electricity through transmission lines and transfer stations, to account for the solar-generated electricity, to conduct safety inspections during the construction of solar-generating facilities, to conduct safety reviews of the facilities’ electrical systems, and to install net meters. Solar generation as contemplated by the Solar Initiative will result in inequitable cost shifts to citizens who do not generate or consume solar, and those citizens will be required to subsidize those who do. The ballot summary does not disclose these impacts to the electors.

The Solar Initiative therefore is misleading in that it does not reflect the true consequences of the amendment. The Solar Initiative incentivizes solar generation at the expense of non-solar customers. Solar customers benefit from the reliability and stability of the grid without paying their full share of its costs because the grid must be built and maintained to serve their full load, regardless of how much solar energy is actually produced. At the modest level of solar that currently exists, the

subsidy could potentially be remedied through additional charges and fees on solar customers, which the Solar Initiative will not allow, and the ballot summary does not reveal this to the electors.

As well, the Solar Initiative impairs government's ability to protect fully the public health, safety, and welfare. For example, governmental regulations that derive from delegated legislative authority could be negated by the Solar Initiative.

These could include regulations adopted: under the "Florida Air and Water Pollution Control Act," section 403.011, et seq.; under the "Pollution Prevention Act," section 403.072, et seq.; under the "Brownfields Redevelopment Act," section 376.77, et seq.; for the abatement of nuisances caused by storm water management or other water control systems, section 373.433; and for control of epidemics through quarantine by the Department of Health, section 381.00315. None of those potentially significant impacts to regulations protecting the public health, safety, and welfare are disclosed to the electors through the ballot summary.

Also in a broader sense, the purpose of the Solar Initiative is not simply to limit or prevent barriers for local solar electric supply, but instead to create favorable market conditions to solar energy providers that will impact adversely the general public through all of the impacts outlined above. Therefore, the title and summary effectively "hide the ball" as to the true purpose and consequences of

the amendment, which the Court has held to be unacceptable. *Armstrong*, 773 So. 2d at 16.

The Solar Initiative is unclear and ambiguous as to its application for customer-owned renewable generation. The ballot title and summary state that the Solar Initiative intends to limit or prevent barriers to entry to “local solar electricity supply.” The Solar Initiative defines a “[l]ocal solar electricity supplier,” as a person who supplies solar energy to “any other person.” It is not at all clear from a reading of this language as to the effect the Solar Initiative would have on customer-owned renewable generation, and its potential impact is not revealed to the voter.

**2. THE PROPOSED AMENDMENT DOES NOT MEET THE SINGLE SUBJECT REQUIREMENT OF ARTICLE XI, SECTION 3 OF THE FLORIDA CONSTITUTION**

Article XI, section 3 of the Florida Constitution states that any amendment proposed by the people, except those limiting the power of the government to raise revenue, shall embrace but one subject and matter directly connected therewith. Florida Constitution (1998). To accomplish this dictate, the amendment must manifest a “logical and natural oneness of purpose.” *Fine v. Firestone*, 448 So. 2d 984, 990 (Fla. 1984).

The single-subject requirement has two distinct purposes. The first of these purposes is to prevent “logrolling,” the practice of including two separate issues

together to aid in the passing of an unpopular issue. *Advisory Opinion to the Attorney Gen. re the Med. Liab. Claimant's Comp. Amendment*, 880 So. 2d 675, 677 (Fla. 2004) (quoting *Advisory Opinion to the Attorney Gen. re Fla. Transp. Initiative for Statewide High Speed Monorail, Fixed Guideway or Magnetic Levitation Sys.*, 769 So. 2d 367, 369 (Fla. 2000)) The test for logrolling is met when a proposed amendment “may be logically viewed as having a natural relation and connection as component parts or aspects of a single dominant plan or scheme. Unity of object and plan is the universal test.” *Advisory Opinion to Attorney Gen. re: Additional Homestead Tax Exemptions*, 880 So. 2d 646, 649 (Fla. 2004).

In this regard, the Solar Initiative engages in logrolling by placing the elector in the untenable position of balancing a preference for solar power against the adverse impacts that the Initiative may have in terms of eliminating special rates, fees, and charges for solar-generated electricity, and the accompanying potentially untoward economic consequences on customer utility rates overall. The balancing that the Solar Initiative would require of electors violates the single-subject requirements.

The second purpose of the constitutional single-subject requirement is to prevent a single amendment from substantially altering or performing the functions of multiple aspects of government. Here, the test is a functional one that examines what the amendment actually does. A proposed amendment can affect multiple

branches of government and still pass the court's review. See, *Advisory Opinion to the Attorney General – Limited Political Terms in Certain Elective Offices*, 592 So. 2d. 225, 227 (Fla. 1991) (“We have found proposed amendments to meet the single subject requirement even though they affected multiple branches of the government.”). But “where such an initiative performs the functions of different branches of government, it clearly fails the functional test of the single-subject limitation the people have incorporated into article XI, section 3, Florida Constitution.” *Evans v. Firestone*, 457 So. 2d 1351, 1354 (Fla. 1984); *Advisory Op. re Property Rights*, 699 So. 2d 1304, 1308 (Fla. 1997) (“In addition, we find that this initiative would have a distinct and substantial effect on more than one level of government.”) The Solar Initiative violates these constitutional proscriptions in a number of ways.

First, the Florida Public Service Commission is statutorily authorized to approve “territorial agreements between and among rural electric cooperatives, municipal electric utilities, and other electric utilities under its jurisdiction” and to resolve disputes arising under the agreements. § 366.04, Fla. Stat. The Solar Initiative would not only impair contract rights existing pursuant to such agreements by providing that local solar electricity suppliers would not be “subject to any assignment, reservation, or division of service territory between or among

electric utilities” but would also deprive the Public Service Commission of its jurisdiction in these regards.

The Solar Initiative also would substantially affect Article III, Section 2 of the Florida Constitution. That section grants municipalities “governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services” not in conflict with state law. Some of municipalities own and operate municipal electric utilities under these constitutional provisions. The Solar Initiative would disallow municipal utilities the power to charge any rates that are in conflict with the Solar Initiative. It would further forbid these municipalities from entering into agreements or exercising rights provided by such agreements for exclusive geographical service territories in conflict with the Initiative.

The Initiative also substantially impacts Article III powers of both municipalities and counties by providing:

[N]othing in this section shall prohibit reasonable health, safety and welfare regulations, including, but not limited to, building codes, electrical codes, safety codes and pollution control regulations, *which do not prohibit or have the effect of prohibiting the supply of solar-generated electricity by a local solar electricity supplier* as defined in this section.

Solor Initiative § (b)(4) (emphasis added). As discussed in the Argument component regarding clarity of the ballot summary, supra, the Solar Initiative thus would impact the police powers of local governments by banning regulations

protecting the public health, safety, and welfare if they would prevent the operation of a solar electricity supplier notwithstanding a compelling need for, or the reasonableness of, the regulation.

Moreover, the Solar Initiative would deprive the Legislature of a significant component of its lawmaking power. See, *Evans v. Firestone*, 457 So. 2d at 1354 (“In *Fine*, we found multiplicity of subject matter because the proposed amendment would have affected several *legislative* functions.”) (emphasis in original).

The Initiative would preclude the Legislature from exercising its lawmaking power with respect to rates, service, or territories of a local solar electricity supplier. See, Initiative § (b)(1). The Solar Initiative also would restrict the Legislature’s lawmaking power over classifications, terms, or conditions of service of electric utilities in connection with customers of local solar electricity suppliers. See, Initiative § (b)(2).

Additionally, the Solar Initiative would block the Legislature from exercising its lawmaking power with respect to public policy formulations. The Legislature currently is empowered to make law with respect to solar energy, but would be fundamentally restricted under the Solar Initiative as to the extent of its public policymaking prerogatives. The Legislature, for example, would be prohibited from imposing rate restrictions with respect singularly to solar-

generated electricity, and would be stripped of its ability to prescribe utility rate guidelines unless in conformance with the Solar Initiative.

The effects on the multiple government powers are not authorized in a constitutional initiative. These effects are only authorized in a constitutional revision. The Solar Initiative thus violates the single-subject rule and cannot be countenanced by the Court and allowed on the ballot.

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## CONCLUSION

The Solar Initiative does not comport with the requirements of the Florida Constitution nor the dictates of the Florida Statutes. The Court should determine that the proposed amendment therefore cannot legally be placed on the ballot.

Respectfully submitted,

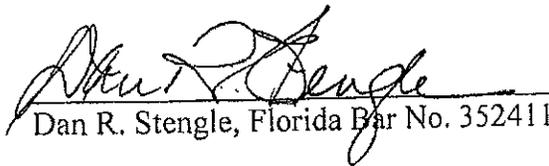
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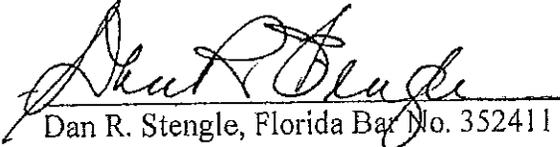
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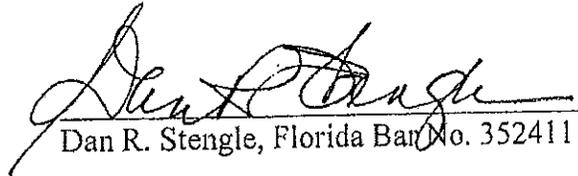
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing  
has been provided by electronic mail to the E-Service List provided for the above-  
styled and numbered cases in the Florida Supreme Court this 10<sup>th</sup> day of June,  
2015.

  
Dan R. Stengle, Florida Bar No. 352411

**CERTIFICATE OF FONT SIZE**

I HEREBY CERTIFY that this document is presented in Times New Roman font, 14-point style, a font that is proportionately spaced as required by the Florida Rules of Appellate Procedure.

  
Dan R. Stengle, Florida Bar No. 352411



## Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Resolution 2015-42  
Solar Initiative

**Prepared By:** Commissioner Barbara Watts

**Sponsored By:** Commission

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### Background

This resolution supports the 2016 ballot initiative that, if successful, would open the door to solar energy choices for Floridians by mitigating the constitutional restraint that gives ultimate control of solar power sales to the monopoly of its state sanctioned utilities.

The Solar Initiative Constitutional Amendment Petition/Movement has generated wide support in the state, so much so, that recently, there has been a push-back to the initiative by entities that perceive themselves to be threatened by the initiative and by organizations that are under the influence of such entities. Therefore, it is a timely matter that the Village of Biscayne Park join other municipalities (among others, the City of South Miami, the Village of Coconut Grove, North Bay Village, and the Village of Pinecrest) in support of this Solar Initiative. If passed, it will give Floridians a choice in the matter and, in so doing, enable the Sunshine State to be in the forefront of Sunshine Energy States.

To guard against disseminating “misinformation” I here include several direct quotations:

[www.flsolarchoice.org](http://www.flsolarchoice.org): **Floridians for Solar Choice** is a grassroots citizens’ effort working to help more homes and businesses to generate electricity by harnessing the power of the sun. After Governor Deal signed Georgia’s solar law in May 2015, Florida became [one of only four states that prohibit citizens](#) from buying electricity from anyone other than a utility. This prohibition limits customer choice and blocks the growth of this abundant, clean homegrown energy source. Because we believe the choice to

August 4, 2015

Resolution 2015-42

Solar Initiative

harness solar power should be available to everyone, ***our coalition is working to place a constitutional amendment on the 2016 ballot that would give Florida's families and businesses the right to choose solar power.***

Public News Service, July 7, 2015:

Stephen Smith, board member with Floridians for Solar Choice and executive director of the nonprofit [Southern Alliance for Clean Energy](http://www.southernallianceforcleanenergy.org), says the amendment would invalidate a law that gives utility companies a monopoly on the sale of solar electricity.

"Florida is one of only four states that explicitly prohibits what are called third-party sales, or allows somebody besides the monopoly utility to sell you electricity generated from solar power," he says. "This would correct that barrier by removing it." - See more at: <http://www.publicnewsservice.org/2015-07-07/energy-policy/florida-solar-initiative-moving-forward/a47033-1#sthash.YnEqPCEj.dpuf>

From the Southern Alliance for Clean Energy Action Fund ([www.cleanerenergyactionfund.org](http://www.cleanerenergyactionfund.org)): [Floridians for Solar Choice](http://www.floridiansforsolarchoice.org) is a grassroots citizens' effort to allow more homes and businesses to generate electricity by harnessing the power of the sun. Floridians for Solar Choice is promoting a Florida constitutional amendment ballot initiative that would give Florida's families and businesses the right to choose solar power

### **Fiscal / Budget Impact**

A relatively small amount of staff time.

### **Recommendation**

Pass the resolution.

### **Attachments**

- Resolution 2015-42
- From the [www.flsolarchoice](http://www.flsolarchoice.org) website: "Fact and Fiction"
- Miami Herald Article – Fred Grimm: Florida voters aren't the ones confused about solar power
- Solar Petition
- Florida League of Cities Resolution to rescind
- Florida League of Cities Sign on Letter
- Florida League of Cities Brief

As this has become a controversial issue, I encourage all to do a google news search (Florida Solar Initiative) so as to read about the issue from all sides. The news articles and editorials on this issue are numerous.

August 4, 2015

Resolution 2015-42

Solar Initiative

[www.fl.solarchoice.org](http://www.fl.solarchoice.org)

The Solar Initiative petition for a Constitutional Amendment has been endorsed by the following organizations:

[All WoMen Rising](#)

[Clean Water Action](#)

[The Cleo Institute](#)

[Collier Citizens for Sustainability](#)

[Conservancy of Southwest Florida](#)

[Conservatives for Responsible Stewardship](#)

[Earthjustice](#)

[Ecology Party of Florida](#)

[Environmental Coalition of Miami & the Beaches \(ECOMB\)](#)

[Environmental Defense Fund](#)

[Environment Florida](#)

[Evangelical Environmental Network](#)

[Florida Green Chamber of Commerce](#)

[Florida Renewable Energy Association \(FREA\)](#)

[Florida Restaurant and Lodging Association](#)

[Friends of the Everglades](#)

[Green Party of Florida](#)

[Greenpeace USA](#)

[H & H Design and Construction Inc.](#)

[Hands Across the Sand](#)

[IDEAS for Us](#)

[Interfaith Justice League](#)

[League of Women Voters of Florida](#)

[Physicians for Social Responsibility, Florida](#)

[ReThink Energy Florida](#)

[Sanibel-Captiva Conservation Foundation](#)

[SEIA](#)

[Sierra Club Florida](#)

[South Florida Audubon Society](#)

[South Florida Wildlands Association](#)

[Space Coast Climate Change Initiative](#)

[Stewards Of Sustainability \(SoS\)](#)

[The Tea Party Network](#)

[Tropical Audubon Society](#)

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**RESOLUTION 2015-42**

**A RESOLUTION OF THE VILLAGE OF  
COMMISSION OF THE VILLAGE OF  
BISCAYNE PARK, FLORIDA,  
ENCOURAGING THE FLORIDA  
LEGISLATURE TO REMOVE BARRIERS TO  
CUSTOMER-SITED SOLAR POWER AND  
EXPRESSING SUPPORT FOR THE  
FLORIDIANS FOR SOLAR CHOICE  
BALLOT PETITION; PROVIDING FOR AN  
EFFECTIVE DATE.**

WHEREAS, solar power generates electricity with zero air emissions and no water use, thereby moving the county, state, and country to a cleaner and more sustainable energy future; and,

WHEREAS, Florida has the greatest potential for rooftop solar power of any state in the eastern United States but lags in realizing that potential; with 9 million electric utility customer accounts, Florida has only 6,000 customer-sited solar systems.<sup>i</sup> Less sunny states like New Jersey have over 30,000 customer-sited solar systems but only half the population of Florida; and,

WHEREAS, Florida is one of only five states in the United States that by law expressly denies citizens and businesses the freedom to buy solar power electricity directly from someone other than a power company<sup>ii</sup>; and,

WHEREAS, allowing non-utility solar providers to provide solar generated electricity, through a Power Purchase Agreement (PPA), directly to customers can remove the upfront cost for solar power systems to homeowners and expand solar power options to residential and commercial tenants – thereby expanding the choice for solar power to all Floridians; and,

WHEREAS, in states, such as New York or New Jersey, where non-utilities can provide solar generated power directly to customers, there has been significant solar development in the residential sector. Such arrangements have driven anywhere from 67% (New York) to 92% (New Jersey) of residential installations in those states;<sup>iii</sup> and,

WHEREAS, Florida spends about \$58 billion each year buying carbon-based fuels from other states and countries to power our homes, businesses and cars, while solar power will keep energy dollars here at home and create good paying local jobs; and,

WHEREAS, in a recent poll, 74% of Florida voters said they support a proposal to change the state’s current law and allow Floridians to contract directly with solar power providers for their electricity. Removing barriers to solar choice will allow more Floridians to take advantage of the power of the sun.<sup>iv</sup>

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

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Section 1. That the Village Commission hereby urges the Florida Legislature to remove barriers that limits the sale of solar-generated electricity directly to a customer by anyone other than a power company and supporting the *Floridians for Solar Choice* ballot petition to amend the Florida Constitution to remove the barrier to customer-sited solar power.

Section 2. This resolution shall become effective upon adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2015.

**The foregoing resolution upon being put to a vote, the vote was as follows:**

\_\_\_\_\_  
David Coviello, Mayor

Mayor Coviello: \_\_\_\_  
Vice Mayor Anderson: \_\_\_\_  
Commissioner Jonas: \_\_\_\_  
Commissioner Ross: \_\_\_\_  
Commissioner Watts: \_\_\_\_

Attest:

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney

<sup>i</sup> Florida Public Service Commission, *Reporting Requirements for Interconnection and Net Metering Customer-owned Renewable Generation*, at: <http://www.psc.state.fl.us/utilities/electricgas/customerrenewable/2013/2013%20Net%20Metering%20Summary%20Spreadsheet/2013%20Net%20Metering%20Chart.pdf>  
<sup>ii</sup> Department of Energy, et. al, *Database of State Incentives for Renewables and Efficiency*, at [http://www.dsireusa.org/documents/summarymaps/3rd\\_Party\\_PPA\\_Map.pdf](http://www.dsireusa.org/documents/summarymaps/3rd_Party_PPA_Map.pdf)  
<sup>iii</sup> SEIA-GTM. *U.S. Solar Market Insight Report: Q3 2014*.  
<sup>iv</sup> Northstar Opinion Research, Survey of Florida Registered Voters, October 2014, at: [http://www.cleanenergy.org/wp-content/uploads/FL\\_Energy\\_Presentation\\_for\\_Release.pdf](http://www.cleanenergy.org/wp-content/uploads/FL_Energy_Presentation_for_Release.pdf)

From the [www.flsolarchoice](http://www.flsolarchoice) website: “Fact and Fiction”

**Americans for Prosperity (AFP) has attacked the proposed ballot initiative to open solar markets in Florida, and is trying to discredit the coalition of conservatives and clean energy groups that support the initiative. AFP has confused the sole purpose of the initiative—expanding customer choice and free commerce in solar—with unrelated policy issues that no conservative group has endorsed in Florida. AFP’s claims are inaccurate, misleading, and short on facts.**

**The ballot initiative does one thing, and one thing only: it removes a government-created barrier to customers’ right to buy solar energy, so solar can compete in the market against other forms of energy.** The Florida government’s current policy is to make commerce in solar energy illegal, which puts solar energy at an unfair disadvantage by denying customers the right to buy solar products available in most state markets.

**This ballot initiative has nothing to do with subsidies or handouts for the solar industry.** This initiative will not create any subsidies, incentives, mandates, or tax breaks for solar companies, solar customers, or anyone else. There is nothing in the language to suggest otherwise. The initiative doesn’t require the State of Florida to spend any taxpayer dollars to prop up solar energy. AFP is confusing this initiative with other issues that aren’t relevant to this ballot initiative.

**What you see is what you get.** The ballot language is very straightforward and cannot be changed without beginning the process of collecting signatures all over again. There is no opportunity to add any subsidies, mandates, or anything else before Floridians vote on it in 2016.

**The initiative is a first step toward opening up free markets for all energy in Florida.** Coalition groups decided to choose one regulatory barrier for the ballot initiative, so voters can understand it easily and decide whether or not to support it based on this one issue. There are other barriers to free markets in energy not addressed by this initiative, and conservatives in the coalition believe that we should eliminate those as well. But we have to start somewhere, and opening markets for solar energy in the Sunshine State is a good first step.

**The ballot initiative will not give solar energy an advantage over other types of energy.** It simply legalizes free-market options for financing or purchasing solar energy that would otherwise remain illegal in Florida. There is currently no free market in energy, and the government-protected monopolies have all the advantage to make choices for customers about what types of energy they are required to pay for.

**The ballot initiative will not permit large retailers, like Home Depot, from becoming ‘mini utilities’ by selling excess power.** The Amendment limits the size and scope to 2MW and further only allows the sale of excess energy to be sold to contiguous properties. Thus a large retailer could not become a utility company nor could any one else.

**Solar must prove to be cost-competitive in the market for customers to choose to buy it.** The cost of solar is plummeting across the country, and is now price-competitive with utility power in many states. The claims that solar is too expensive aren’t supported by recent facts. And if it does prove to be too expensive, customers don’t have to buy it. Floridians should be allowed to decide for themselves whether or not they can save money on their power bill with solar, without the state telling them they can’t.

**Letting people voluntarily pay for their own solar energy won’t raise anyone else’s rates.** AFP’s argument is the same as saying anyone who decides to save money by buying a more efficient refrigerator or A/C system will raise rates on other customers. Utilities use this as a scare tactic, but states from Mississippi to Maine have studied the question of whether solar forces other customers to pay more, and they concluded that solar customers actually provide a net benefit to the utility’s system. In neighboring Georgia, the Public Service Commission determined that solar power would not put upward pressure on rates. Southern Company’s Georgia Power pledged their full support to a third party sales and leasing bill that passed unanimously in Georgia’s 2015 Legislative session and awaits the governor’s signature.

**AFP argued in 2013 that more solar would lead to higher rates and blackouts in Georgia, and they were proved wrong.** Solar proved to be cheaper than the utility’s energy costs over time. An all-Republican PSC and the utility itself both concluded that expanding solar will not increase rates one penny, and will actually put “downward pressure” on rates. Georgia customers are saving money with solar energy.

**The statement that “there aren’t regulatory barriers in place blocking solar” is simply false.** The government gives utilities the exclusive right to sell any energy to customers in their territories. The government has ruled that right excludes companies from offering customers an option to pay for energy from solar panels without paying the up- front costs required to buy the panels themselves, an option that is popular with customers in other states. This ballot initiative removes that regulatory barrier.

**AFP cherry-picks language from the ballot initiative to misrepresent its purpose.** AFP suggests the initiative is intended to promote the solar industry. But anyone who reads the full language in context can see it promotes customers, not the industry, and does so by removing market barriers for customers. AFP takes its excerpt from the following section, which makes the true purpose clear:

PURPOSE AND INTENT. It shall be the policy of the state to encourage and promote local small-scale solar- generated electricity production and to enhance the availability of solar power to customers. This section is intended to accomplish this purpose by limiting and preventing regulatory and economic barriers that discourage the supply of electricity generated from solar energy sources to customers who consume the electricity at the same or a contiguous property as the site of the solar electricity production.

Including legal language like “encourage and promote” is common for this type of constitutional amendment, to make the broader intent of the amendment clear, so voters can understand it and legislators and regulators know they shouldn’t create new versions of the same barriers in the future. It also changes the government’s current policy of discouraging and obstructing solar commerce.

**Free-market conservatives are leading the coalition that supports the ballot initiative.** Tory Perfetti is the Chairman of Floridians for Solar Choice, which includes Conservatives for Energy Freedom, Christian Coalition, Florida Libertarian Party, Florida Republican Liberty Caucus, and The Tea Party Network. All these groups have judged the facts on their own and determined the initiative is consistent with conservative principles. It’s wrong for AFP to suggest these conservatives are being duped and can’t see “the real story” on their own, or that they’re letting Tom Steyer and radical environmentalists “take over the conservative grassroots.” Conservatives should hear from all sides and decide for themselves what the real story is.

Pd. Pol. Adv. paid for by Floridians for Solar Choice, Inc.  
120 E. Oakland Park Blvd, Suite 105, Fort Lauderdale, FL 33334

Floridians for Solar Choice, Inc. is a non-profit 501 (c)(4) organization.  
.....

## Fred Grimm: Florida voters aren't the ones confused about solar power

Fred Grimm [fgrimm@MiamiHerald.com](mailto:fgrimm@MiamiHerald.com)

*Miami Herald*, July 10, 2015:

One can understand Pam Bondi's worry that certain Floridians might misunderstand the solar power ballot initiative.

Not that she need concern herself with ordinary citizens. They know they'll be voting on a constitutional amendment that would allow consumers to generate electricity from their own or leased solar panels and sell the excess — up to two megawatts a day — to adjacent businesses and property owners.

Voter comprehension won't be the problem if the referendum makes it to the ballot in 2016.

But Attorney General Bondi has damn good reason to worry that some less ordinary Floridians might be confused. The state's political leadership has often been flummoxed by citizen initiatives.

The gang in Tallahassee never quite understood the “polluter pay” amendment voters approved in 1996. The voter intent, obvious to anyone outside the Capitol chambers, was that Big Sugar, not taxpayers, should pay to repair the environmental damage that phosphorus-laced fertilizer runoff from sugar cane fields caused the Everglades.

Apparently, the concept was just too bewildering for lawmakers. The polluter pay amendment has never been enforced.

The class-size amendment approved in 2002 seemed similarly straightforward, but legislators have since [contrived](#) all sorts of ploys to cram more kids into classrooms.

Last fall, when 75 percent of the electorate voted for Amendment 1, voters [understood](#) the measure was meant to channel something like \$300 million a year toward the acquisition of conservation land. Legislators took it to mean \$17.4 million.

On Thursday, the Florida Supreme Court [ruled](#) that when the not-so-good old boys in the Legislature drew the latest congressional district maps, they seemed to forget about the 2010 Fair Districts Amendment approved by 63 percent of the voters. The 5-2 court majority said the new districts had been “tainted by unconstitutional intent.”

Bondi could hardly have been thinking of us when she filed her [objections](#) with the state Supreme Court last month complaining that the solar power ballot initiative was “unclear and misleading.” We don't suffer comprehension problems. Ordinary Floridians not only understand the solar power issue, they grasp the urgent need to curtail dependence on fossil fuels. We know what a “yes” vote would mean. Bondi must have been referring to those dunderhead state legislators who never seem to fathom democratic intent.

A less charitable interpretation was that Bondi was only interested in protecting the profit margins of her good friends and political contributors from Florida's electric utilities, who can't abide solar power upstarts challenging their monopolies. On the very same day that the attorney general's office filed Bondi's anti-solar brief, similar objections were filed by Florida Power & Light Co., Duke Energy, Tampa Electric Co. and Gulf Power Co.

The timing could have been just a coincidence. It also could have been a coincidence that, [according to](#) the Florida Center for Investigative Reporting, those same utilities have contributed \$12 million to the campaigns of state elected officials since 2010.

Such political influence has helped keep Florida one of only four states that inhibit homeowners and businesses from striking lease deals with solar panel installers (leases can help consumers avoid prohibitive upfront purchase and installation costs), which explains why the Sunshine State derives such a piddling share of its electricity — less than 1 percent — from solar power. Only 6,600 homes and businesses in Florida are equipped with solar panels.

Voters, at least for the moment, understand what approval of the solar power amendment would mean. By Election Day, after utilities and their economic allies spend millions distorting the issue, who knows? The solar initiative may come to look like a commie conspiracy.

Last month, the Florida League of Cities added its own brief to the objections to the solar amendment piling up at the state Supreme Court. The Herald's Mary Ellen Klas [reported](#) last week that the league's legal stand set off protests from at least 17 elected officials from 13 cities who seemed stunned that the league would kowtow to the electric monopolies without consulting its members.

The utilities also persuaded the Florida Chamber of Commerce and (with the help of some generous contributions) a [number of groups](#) representing Hispanics and blacks to help them beat down the ballot measure. So now we have outfits like the National Black Caucus of State Legislators complaining that the solar power amendment would disadvantage poor minorities, who'll be forced to pay extra to maintain the electric grid when rich white folks, their homes festooned with solar panels, go off-line.

Of course, in the two dozen states with less restrictive solar power laws, that hasn't happened. Arturo Carmona, director of Presente.org, the nation's largest online Latino organizing group, [wrote](#) in the Sacramento Bee last fall that in California laws encouraging solar power have "brought jobs and clean energy to our communities. Two-thirds of all rooftop solar installations are in middle- and low-income neighborhoods, creating more than 47,000 jobs in our state, 20 percent of them Latino."

If the ballot measure survives the Supreme Court review, backers of the amendment will still need 683,149 valid signatures on their petition. (Last week, The Associated Press reported that they've gathered 94,000 so far.)

But voters will be barraged with advertising from utilities and fossil fuel interests worried that solar power will undo their very lucrative business plan. All that big money only needs to convince 41 percent of the electorate that solar is somehow a bad idea.

Even if the amendment passes — a long-shot proposition — the utilities can always count on the governor, the attorney general and their buddies in the Legislature to protect their interests and sabotage the solar power industry.

Up in Tallahassee, they have a long, ugly history of putting big money ahead of voter intent.

Read more here: <http://www.miamiherald.com/news/local/news-columns-blogs/fred-grimm/article26991379.html#storylink=cpy>

# CONSTITUTIONAL AMENDMENT PETITION FORM

**Note:**

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid.

Your Name: \_\_\_\_\_  
(Please Print Name as it appears on your Voter Information Card)

Your Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_

Please change my legal residence address on my voter registration record to the above residence address (check box, if applicable).

**Voter Registration Number:** \_\_\_\_\_ **(or) Date of Birth** \_\_\_\_\_

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

**BALLOT TITLE: Limits or Prevents Barriers to Local Solar Electricity Supply**

**BALLOT SUMMARY:** Limits or prevents government and electric utility imposed barriers to supplying local solar electricity. Local solar electricity supply is the non-utility supply of solar generated electricity from a facility rated up to 2 megawatts to customers at the same or contiguous property as the facility. Barriers include government regulation of local solar electricity suppliers' rates, service and territory, and unfavorable electric utility rates, charges, or terms of service imposed on local solar electricity customers.

**ARTICLE AND SECTION BEING CREATED OR AMENDED:** Add new Section 29 to Article X

**FULL TEXT OF PROPOSED AMENDMENT:**

Section 29. Purchase and sale of solar electricity. –

(a) **PURPOSE AND INTENT.** It shall be the policy of the state to encourage and promote local small-scale solar-generated electricity production and to enhance the availability of solar power to customers. This section is intended to accomplish this purpose by limiting and preventing regulatory and economic barriers that discourage the supply of electricity generated from solar energy sources to customers who consume the electricity at the same or a contiguous property as the site of the solar electricity production. Regulatory and economic barriers include rate, service and territory regulations imposed by state or local government on those supplying such local solar electricity, and imposition by electric utilities of special rates, fees, charges, tariffs, or terms and conditions of service on their customers consuming local solar electricity supplied by a third party that are not imposed on their other customers of the same type or class who do not consume local solar electricity.

(b) **PURCHASE AND SALE OF LOCAL SMALL-SCALE SOLAR ELECTRICITY.**

(1) A local solar electricity supplier, as defined in this section, shall not be subject to state or local government regulation with respect to rates, service, or territory, or be subject to any assignment, reservation, or division of service territory between or among electric utilities.

(2) No electric utility shall impair any customer's purchase or consumption of solar electricity from a local solar electricity supplier through any special rate, charge, tariff, classification, term or condition of service, or utility rule or regulation, that is not also imposed on other customers of the same type or class that do not consume electricity from a local solar electricity supplier.

(3) An electric utility shall not be relieved of its obligation under law to furnish service to any customer within its service territory on the basis that such customer also purchases electricity from a local solar electricity supplier.

(4) Notwithstanding paragraph (1), nothing in this section shall prohibit reasonable health, safety and welfare regulations, including, but not limited to, building codes, electrical codes, safety codes and pollution control regulations, which do not prohibit or have the effect of prohibiting the supply of solar-generated electricity by a local solar electricity supplier as defined in this section.

(c) **DEFINITIONS.** For the purposes of this section:

(1) "local solar electricity supplier" means any person who supplies electricity generated from a solar electricity generating facility with a maximum rated capacity of no more than 2 megawatts, that converts energy from the sun into thermal or electrical energy, to any other person located on the same property, or on separately owned but contiguous property, where the solar energy generating facility is located.

(2) "person" means any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, government entity, and any other group or combination.

(3) "electric utility" means every person, corporation, partnership, association, governmental entity, and their lessees, trustees, or receivers, other than a local solar electricity supplier, supplying electricity to ultimate consumers of electricity within this state.

(4) "local government" means any county, municipality, special district, district, authority, or any other subdivision of the state.

(d) **ENFORCEMENT AND EFFECTIVE DATE.** This amendment shall be effective on January 3, 2017.

**Date:** \_\_\_\_\_ **X** \_\_\_\_\_

(Date of signature)

(Signature of registered voter)

Initiative petition sponsored by Floridians for Solar Choice, Inc., 120 E. Oakland Blvd., Suite 105, Ft. Lauderdale, FL 33334

If paid petition circulator is used:

Circulator's Name \_\_\_\_\_

Circulator's Address \_\_\_\_\_

For official use only:

Serial number: 14-02

Date approved: 12/23/2014

**FLORIDA LEAGUE OF CITIES, INC.**  
**RESOLUTON NO. 2015-\_\_**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
FLORIDA LEAGUE OF CITIES, INC. TO RECEDE FROM  
OPPOSITION BRIEF FILED AT THE FLORIDA SUPREME  
COURT AGAINST THE FLORIDIANS FOR SOLAR CHOICE  
BALLOT PETITION**

**WHEREAS**, On June 10, 2015, the Florida League of Cities, in conjunction with the Florida Municipal Electric Association, filed an initial brief with the Florida Supreme Court in opposition to the Floridians for Solar Choice ballot initiative.

**WHEREAS**, Members of the Florida League of Cities find that the submission of the brief was filed outside of the appropriate League protocol

**WHEREAS**, Members of the Florida League of Cities find the arguments presented in the brief are alarmist, unsupported and speculative.

**WHEREAS**, As a threshold matter, such legal filings should be subject to a vote of the Florida League of Cities and be reviewed and approved by the Energy, Environment and Natural Resources Committee.

**WHEREAS**, The solar petition language would allow the sale of power from an entity other than a utility limited to solar power systems with a size limitation of 2 megawatts (MW). This would provide more solar ownership and financing options to allow for solar development in the state.

**WHEREAS**, Arguments related to material future negative impacts to local municipalities due to reduced utility revenue and the local fees dependent on such revenue, such as franchise fees and public service tax is again, highly speculative and unfounded.

**WHEREAS**, The Florida Financial Impact Estimating Conference (FIEC), an entity that specialized on impacts and costs to state and local governments, found - after weeks of study and consideration of input from a number of interested parties including the Florida League of Cities - that as it relates to reduced revenue: "the timing and magnitude of these decreases cannot be determined because they are dependent on various technological and economic factors that cannot be predicted with certainty."

**WHEREAS**, Utility revenue can be influenced by any number of factors, including the economy and weather. It is uncertain any reduced revenue may take place, and should be considered in the context of additional fees and economic development increased solar development will create in our communities.

**WHEREAS**, Florida is one of only four states in the United States that by law expressly denies citizens and businesses the freedom to buy solar power electricity directly from someone other than a power company<sup>1</sup>; and

**WHEREAS**, Florida utilities have approximately 60,000 MW of generating capacity. The capacity of customer-sited solar power currently stands at a mere 60 MW. In fact, only 6,600 customers of the 9 million Florida electricity customers currently generate some other their power from solar systems. This represents 0.07 percent of all customers. At these levels, negative impacts to municipalities from reduced utility revenue are so marginal as to not be measurable.

**WHEREAS**, Florida spends about 58 billion dollars each year buying carbon-based fuels from other states and countries to power our homes, businesses and cars, while solar power will keep energy dollars here at home and create good paying local jobs; and

**WHEREAS**, In a recent poll, 74% of Florida voters said they support a proposal to change the state's current law and allow Floridians to contract directly with solar power providers for their electricity. Removing barriers to solar choice will allow more Floridians to take advantage of the power of the sun;<sup>2</sup>

**NOW, THEREFORE BE IT RESOLVED** by the Florida League of Cities, Inc.:

Section 1. That the Florida League of Cities, Inc. recede from the opposition statements made without an official position being taken by action of the membership, direct the staff to file a motion seeking to withdraw the initial brief in opposition to the Amendment to remove a barrier to customer-sited solar power, but giving the opportunity to the Municipal Electric Association to refile the same brief deleting any reference to the League.

Section 2. This resolution shall become effective upon adoption.

**APPROVED AND ADOPTED** by the Board of Directors of the Florida League of Cities, Inc. at regular meeting assembled this \_\_\_\_ day of \_\_\_\_\_, 2015

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

<sup>1</sup> Department of Energy, et. al, *Database of State Incentives for Renewables and Efficiency*, at [http://www.dsireusa.org/documents/summarymaps/3rd\\_Party\\_PPA\\_Map.pdf](http://www.dsireusa.org/documents/summarymaps/3rd_Party_PPA_Map.pdf)

<sup>2</sup> Northstar Opinion Research, Survey of Florida Registered Voters, October 2014, at: [http://www.cleanenergy.org/wp-content/uploads/FL\\_Energy\\_Presentation\\_for\\_Release.pdf](http://www.cleanenergy.org/wp-content/uploads/FL_Energy_Presentation_for_Release.pdf)

June 25, 2015

On June 10, 2015, the Florida League of Cities, in conjunction with the Florida Municipal Electric Association, filed an initial brief with the Florida Supreme Court in opposition to the Floridians for Solar Choice ballot initiative. We, the undersigned members of the Florida League of Cities find that the submission of the brief was filed outside of the appropriate League protocol and that the arguments presented in the brief are alarmist, unsupported, and speculative. As such, we call for the League to withdraw the initial brief filed with the Court.

As a threshold matter, such legal filings should be vetted and approved by the League's Board and the Energy and Environment Committee. Neither was done in this case. We are disturbed that the League's established leadership structures were bypassed. Did League staff file the opposition brief to the solar amendment, an amendment vigorously supported by many member cities, absent approval from the leadership?

The solar petition language would allow the sale of power from an entity other than a utility limited to solar power systems with a size limitation of 2 megawatts (MW). This would provide more solar ownership and financing options that can promote solar development in the state. The solar petition, if it passes the Court's constitutional review, and receives the appropriate number of verified signatures will appear on the ballot in 2016 for voter approval.

The substantive arguments in League's brief, are aggressive, speculative, and some are well outside the League's scope or expertise. For instance, the brief argues that the amendment might create inequitable rate structures between solar and non-solar customers. When did the League's interest include utility regulatory rate-making design and policy? Nothing could convince us that increased generation of solar power is against the long-term interests of the Florida's cities, those with the most to lose from sea level rise.

Moreover, arguments related to material future negative impacts to local municipalities because of reduced utility revenue and the local fees dependent on such revenue, such as franchise fees and public service tax is again, highly speculative and unfounded. In fact, the franchise agreement between FPL and the City of South Miami specifically includes a provision for leveling fees and taxes between regulated utilities and small-scale solar producers.

This issue has already been addressed by the state's Financial Impact Estimating Conference (FIEC) statement after weeks of study and consideration of input from a number of interested parties. That statement will appear on the ballot for voters to view, should the petition make it

on the ballot in 2016. The FIEC, an entity that specialized on impacts and costs to state and local governments, concluded the following as it relates to reduced revenue: *“the timing and magnitude of these decreases cannot be determined because they are dependent on various technological and economic factors that cannot be predicted with certainty.”* Utility revenue can be influenced by any number of factors, including the economy and weather. It is uncertain any reduced revenue may take place, and should be considered in the context of additional fees and economic development increased solar development will create in our communities.

Secondly, Florida’s utilities have approximately 60,000 MW of generating capacity. The capacity of customer-sited solar power currently stands at a mere 60 MW. In fact, only 6,600 customers of the 9 million Florida electricity customers, less than one in a thousand, currently generate some of their power from solar systems. This level represents a possible loss of seven cents per hundred dollars of municipal utility tax & fee revenue. At these trivial levels, loss of municipal tax & fee revenue from non-utility-generated solar power pales against municipal benefits of job creation, climate protection, and energy reliability enhancements.

We exist not to charge taxes, but to serve the interests of our people. Florida is only one of five states in the country that currently prohibits third party sales of solar power. Rather than aggressively attacking a solar ballot initiative intended to expand the benefits of solar power that municipalities, businesses, and citizens in other states already enjoy, the League should support innovative ways to promote solar power and help Florida catch up with the rest of the nation. The League’s brief is alarmist, short-sighted, and not approved through proper protocol. As such, we support immediate withdrawal of the initial brief.

Sincerely,

**IN THE SUPREME COURT OF FLORIDA**

Case Numbers SC15-780 and SC15-890

**ADVISORY OPINION TO THE ATTORNEY GENERAL  
RE: LIMITS OR PREVENTS BARRIERS TO  
LOCAL SOLAR ELECTRICITY SUPPLY**

**ADVISORY OPINION TO THE ATTORNEY GENERAL  
RE: LIMITS OR PREVENTS BARRIERS TO  
LOCAL SOLAR ELECTRICITY SUPPLY (FIS)**

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**BRIEF OF INTERESTED PARTIES  
FLORIDA LEAGUE OF CITIES, INC., and  
FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC.**

**IN OPPOSITION TO THE PROPOSED AMENDMENT**

---

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## **STATEMENT OF THE CASE AND FACTS**

The Florida Attorney General has requested this Court's advisory opinion on the validity of an initiative petition titled, "Limits or Prevents Barriers to Local Solar Electricity Supply," which has been assigned Case No. SC15-780 by the Court. The Attorney General also has requested the Court's review of the Financial Impact Statement prepared for the amendment, assigned Case No. SC15-890. The Court will determine (1) Whether the ballot title and summary are clear and unambiguous and thus comport with the requirements of Section 101.161(1), Florida Statutes; and (2) Whether the proposed amendment violates Article XI, section 3 of the Florida Constitution, which requires that the proposed amendment embrace but one subject.

## **STANDARD OF REVIEW**

The issues before the Court are questions of law, and therefore the review is *de novo*.

## **SUMMARY**

The Solar Initiative does not comport with the requirements of the Florida Constitution or the Florida Statutes. It does not reveal its impacts to municipalities, electric utilities, utility customers, and the public at large. Moreover, it violates the single-subject requirement of the Florida Constitution by impacting multiple layers of government and, in particular, the Legislature.

The proposed amendment will disrupt contractual relationships between and among municipalities and utilities that enter into franchise agreements to provide electric utilities to municipal citizens. The Solar Initiative will reduce revenues available to municipalities and utilities under Florida law and, as a result, municipalities will curtail services to citizens or will be forced to pass additional fees inequitably onto non-solar customers in order to recoup revenue losses. These impacts are not disclosed to the electors in the ballot title and summary, as required.

The Solar Initiative will significantly impact the ability of the state and local governments from protecting the health, safety, and welfare. Irrespective of how reasonable or necessary such protections are, if they have the effect of prohibiting in a particular instance the generation or supply of solar energy, the protections will be disallowed.

The Solar Initiative violates the constitutional single-subject requirement by engaging in logrolling in that it forces a voter to balance a preference for solar power against the adverse fiscal impacts that the Initiative may have by resulting in inequitable rate structures between solar and non-solar utility customers. The Solar Initiative also performs multiple functions of government, including local governments and the state, and impairs the lawmaking power of the Florida

Legislature. The impacts are unauthorized and therefore the Solar Initiative should not be placed on the ballot for elector consideration.

### **STATEMENT OF INTEREST**

#### **A. THE FLORIDA LEAGUE OF CITIES, INC.**

The Florida League of Cities, Inc. (“League”) has a special interest in the ballot initiative titled, “Limits or Prevents Barriers to Local Solar Electricity Supply” (“Solar Initiative”) as a result of the anticipated financial and operating impacts of the Solar Initiative on Florida municipalities.

The League is a voluntary organization whose membership consists of municipalities and other units of local government rendering municipal services in the State of Florida. The League membership comprises more than 400 municipalities. Under its Charter, its purpose is to work for the general improvement of municipal government and its efficient administration, and to represent its members before various legislative, executive, and judicial branches of government on issues pertaining to their general and fiscal welfare.

The issues of interest to the League with respect to the Solar Initiative are:

- The material financial impact to municipalities based upon a reduction in franchise fees and public service tax revenues that will be received by Florida’s municipalities.

- The financial impact on Florida’s municipally-owned electric utilities because the proposal appears to prohibit a municipal utility from charging fees and conditioning service on solar energy customers that are rationally related to a utility’s cost of accommodating the solar energy customer.
- The lack of clarity in the Solar Initiative language that will cause confusion and require litigation in order to ascertain its parameters.

The League does not oppose solar energy. In fact, the League currently is appearing as an amicus in a pending case in this Court in support of a law that permits cities to loan money to citizens to fund energy efficiency and renewable energy improvements to their homes. See, *Florida Bankers Association v. Florida Development Finance Corporation*, Case No. SC14-1603. For the reasons indicated above, however, the League brings to the attention of the Court the significant financial and operating impacts the Solar Initiative will have on Florida’s municipalities.

**B. THE FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC.**

The Florida Municipal Electric Association, Inc. (“FMEA”), is the statewide trade association for 33 of Florida’s public power retail electric utilities.<sup>1</sup> Founded in 1942 in response to the WWII fuel shortages, for more than 70 years FMEA has been committed to supporting its public power members in their goals for reliable

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<sup>1</sup> General information concerning FMEA as well as specific data about its public power members can be found at its website: [www.publicpower.com](http://www.publicpower.com).

and low-cost electric service to their communities. FMEA's member utilities provide approximately 15 percent of Florida's electric load, which translates to serving approximately three million Floridians.

Like the League, the FMEA is not opposed to solar energy. As the League has done, the FMEA also currently is appearing as an amicus in a pending case in support of a law that permits cities to loan money to citizens to fund energy efficiency and renewable energy improvements to their homes. See, *Florida Bankers Association v. Florida Development Finance Corporation*, Case No. SC14-1603.

If the Solar Initiative is approved, however, the retail customers of FMEA's members will be greatly incentivized to develop local solar facilities. This is an untenable position for FMEA's members, as they would be deprived of the right or ability under law to mitigate an ever-increasing cost shift to non-solar customers. Should more homes and businesses become solar customers as a result of the Solar Initiative, cost-shifting between solar and non-solar customers – as explained in greater detail, infra – could become quite substantial, particularly if municipal utilities are not allowed to fully recoup the cost of accommodating these solar customers.

## **C. EFFECT OF SOLAR INITIATIVE ON MUNICIPALITIES AND ELECTRIC UTILITIES**

The Solar Initiative would permit a “local solar electricity supplier” to use solar energy to generate up to two megawatts of electricity and to either consume it on the supplier’s property to sell it to the owners of “contiguous” property. The amendment prohibits electric utilities, including municipal electric utilities, from charging any fee or placing any service condition on the solar-generated electricity supplier’s customers that are not imposed on the utility’s other customers. The amendment permits laws designed to protect the public’s health, safety, and welfare so long as the laws don’t prohibit “the supply of solar-generated electricity by a local solar electricity supplier.”

### **(1) Effect on Franchise Agreements and Fees**

Many Florida municipalities charge franchise fees to electric utilities to permit the electric utility to provide electric service within the municipality’s jurisdiction. For the Fiscal Year ending September 30, 2012 (the most recent information available), Florida’s municipalities derived approximately \$563 million in franchise fees.<sup>2</sup>

Franchise fees are negotiated fees that are charged to the electric utility to provide electric service within the municipality. See, *Florida Power Corporation v. City of Winter Park*, 887 So. 2d 1237 (Fla. 2004); *City of Plant City v. Mayo*,

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<sup>2</sup> See, [edr.state.fl.us/content/local-government/data/revenues.expenditures/munifiscal.cfm](http://edr.state.fl.us/content/local-government/data/revenues.expenditures/munifiscal.cfm).

337 So. 2d 966 (Fla. 1976). The consideration from the municipality in exchange for the fees consists of three parts: (1) the privilege of using the municipality's rights-of-way, (2) the municipality's agreement not to compete with the electric utility, or to not allow others to compete with the electric utility, during the term of the franchise, and (3) a fee paid to the municipality to offset the costs incurred by the municipality as a result of the electric utility's disparate and exclusive use of public property. *City of Hialeah Gardens v. Dade Cnty.*, 348 So. 2d 1174 (Fla. 3rd DCA 1977); *Santa Rosa Cnty. v. Gulf Power Co.*, 635 So. 2d 96 (Fla. 1st DCA 1994), rev. denied, 645 So. 2d 452 (Fla. 1994); *Flores v. City of Miami*, 681 So. 2d 803 (Fla. 3rd DCA 1996). The electric utility collects the franchise fee from the customers who receive service within the municipality. See, Rule 15-6.100, F.A.C.

The prevailing practice in the electric industry is to account for solar-generated electricity through the use of a "net meter" installed by the electric utility. As electricity flows from the utility to the solar power generator, the meter records the amount of electricity flowing to the generator. When solar-generated electricity flows from the solar power generator to the electric utility, the meter literally "spins backwards." If the meter reads more than it did the last time it was read, this indicates that the solar generator has used more electricity than it generated, and the electric utility bills the owner the "net amount." For example,

assume that a customer's bill ordinarily would be \$200, but that customer generates \$125 in solar-generated electricity. In this case, the customer would only be billed \$75, the difference between the ordinary bill and the solar-generated electricity.

If the meter reads less than the last time it was read, that indicates that the solar energy generator generated more electricity than was used. In that case, the net amount is "banked" in the generator's account and is applied to the electric bill for the following month. As an example, if the customer's bill ordinarily would be \$125, and the same customer generates \$200 in solar energy, a \$75 credit will be banked to the customer's account. In either case, the generator results in lower revenues to the electric utility than otherwise as a result of the solar-generated electricity.

It is clear that the primary purpose of the Solar Initiative is to increase the amount of electricity generated by solar power. In doing so, the Solar Initiative undoubtedly will reduce the revenue streams of electric utilities. As a result, franchise fee revenues to municipalities will likewise be reduced, as franchise fees are based on a percentage of an electric utility's gross revenues. There will be impacts to the electric utility customer as a result. The electric rates will increase for those who cannot or do not generate solar energy, which would include seniors and middle-income citizens, and those who are not permitted to install solar

electric facilities, such as renters. Alternatively, municipalities will decrease services to accommodate the reductions in revenue occasioned by the Solar Initiative.

The Solar Initiative also will impair the consideration that the municipality provides to the electric utility in return for the franchise fee, as the municipality will no longer be able to prohibit others from providing electric services within the municipality. It therefore is likely that extant franchise agreements will no longer be valid due to decreased consideration, in that the franchise fee will no longer bear a reasonable nexus to the cost of using municipal rights-of-ways. See, *Alachua Cnty. v. State*, 737 So. 2d 1065 (Fla. 1999); see also, *Santa Rosa Cnty. v. Gulf Power Co.*, *supra*.

Further, franchise agreements often contain provisions that permit the electric utility to terminate the franchise agreement if any other person is permitted to provide electric services within the municipality, whether authorized by the municipality or through enactment of any law authorizing the same. Candidly, these provisions may be ameliorated somewhat by other provisions that may be contained in franchise agreement that give a municipality the right to purchase the electric utility's infrastructure upon termination of the agreement.

Notwithstanding, it is clear that the Solar Initiative will disrupt the current

contractual relationships between municipalities and the electric utilities, as well as the franchise fee revenue that municipalities derive from the relationships.

**(2) Effect on Public Service Tax**

Florida law permits municipalities to levy a tax on the purchase of electricity in an amount not to exceed ten percent of the payments received by the electric utility. The tax is paid by customers who receive service from an electric utility within a municipality. Section 166.231, Fla. Stat. For the fiscal year ending December 30, 2012 (the most recent information available), municipalities received approximately \$666 million from the public service tax on electricity.<sup>3</sup> The Solar Initiative undoubtedly will cause a reduction in the public service tax revenues that municipalities currently derive from the public service tax on electricity.

The clear purpose of the Solar Initiative is to increase the production of solar-generated electricity. As stated above in “(1) Effect on Franchise Agreements and Fees,” the prevalent practice in the industry is to use “net metering” to account for solar-generated electricity. Those municipalities that levy the public service tax on electricity undoubtedly will experience a reduction in public service tax revenues as a result of the Solar Initiative.

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<sup>3</sup> See, [edr.state.fl.us/content/local-government/data/revenues.expenditures/munifiscal.cfm](http://edr.state.fl.us/content/local-government/data/revenues.expenditures/munifiscal.cfm).

In that case, it is likely that municipalities will be faced with two options. The municipality either will absorb the loss in revenues by decreasing municipal services, or recoup the lost revenues by increasing the public service tax – to the extent authorized by law – on all of its citizens. In the latter instance, the effect will be to shift a portion of the solar generator’s tax burden to those citizens who cannot install solar energy facilities, including those who are unable to afford the capital costs of the facilities, such as seniors and middle-income citizens, as well as those not allowed to install solar-electric facilities, such as renters.

### **(3) Effect on Non-Solar Generating Customers**

The Solar Initiative seeks to limit or prevent

regulatory and economic barriers that discourage the supply of electricity generated from solar energy sources to customers who consume the electricity at the same or a contiguous property as the site of the solar electricity production.

“Contiguous property” is not defined in the proposed amendment, but clearly it includes individual parcels of real property that abut each other, large developments wherein real parcels abut one another, and shopping centers and shopping malls containing multiple businesses. Its impact therefore impacts a greater number of properties than may be inferred from its language.

The “regulatory and economic barriers” that are included within the terms of the Solar Initiative include “rate, service and territory regulations” that may be imposed by the state or local governments. Further, the “regulatory and economic



# Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Discussion of Garbage Disposal Options

**Prepared By:** Heidi Siegel, AICP, Village Manager

**Sponsored By:** Staff

---

## **BACKGROUND**

At its July meeting the Village Commission heard presentations from Miami-Dade County and WastePro regarding trash and garbage disposal options. Staff is seeking direction from the Village Commission regarding these options.

If the Village wishes to renew their Interlocal Agreement with the County, it must do so on, or before, October 1, 2015. The Second Amendment to the Interlocal Agreement is for twenty additional years. Discussions with County staff have found that the Amendment could be for a minimum of ten years.

If the Village wishes to amend their agreement with WastePro to allow WastePro responsible for trash and garbage disposal locations then it should be done before the Village's agreement with the County expires on September 30<sup>th</sup>.

The amendment with WastePro will run with the existing franchise agreement. At the July meeting the County stated that the Village could reenter into an agreement with the County at any time.

## **FISCAL IMPACT**

Per the existing Franchise Agreement with WastePro, they are responsible for all disposal fees.

## **RECOMMENDATION**

Provide direction to Staff regarding trash and garbage disposal agreements.



## **Village of Biscayne Park Commission Agenda Report**

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Fine Reduction Request  
1000 NE 119<sup>th</sup> Street

**Prepared By:** Maria Camara

**Sponsored By:** Staff

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### **Background**

On May 11, 2015, a lien search request was received for the following property:

- Folio No. 17 2232 025 0010
- Address: 1000 NE 119<sup>th</sup> St, Biscayne Park, FL
- Owner: Margaret Ashworth &H Steven

The result of the lien search is as follows:

- Municipal lien dated April 9, 1997 for \$426.96 + \$12.00 recording fees for collection and disposal of debris (annual waste fee). With interest at the rate of 18% per annum, the total due through May 2015 is \$7,302.44. The name on the lien is Kelly Murphy, the owner during 1997.

During the sale of the property in 2000, and again in 2001, the recorded lien was never satisfied. The current property owner is still responsible as the lien

August 4, 2015

Commission Agenda Report

Fine Reduction

goes with the land, and not the original owners. This was explained to current property owner Margaret Ashworth.

During the subsequent conversations with the property owner, her attorney, and the realtor, an additional municipal lien was identified:

- Municipal lien dated November 28, 1995 for \$437.93 + \$12.00 recording fees for collection and disposal of debris (annual waste fee). With interest at the rate of 18% per annum, the total due through May 2015 is \$7,501.34. The name on the lien is Kelly Murphy, the owner during 1995.

This lien also was not satisfied during the sale of the property in 2000 and 2001.

The current sale of the property was scheduled to be closed on June 4<sup>th</sup>, and all parties were advised that if the closing could not be delayed until after the July 7<sup>th</sup> Commission meeting, the current amount due the Village of \$14,803.78 would have to be held in escrow until after the Commission could consider their request for a fine reduction.

The request for the fine reduction was scheduled for the July 7<sup>th</sup> Commission meeting. Just prior to the meeting, a request was made by the attorney representing the seller to defer it to the August meeting. Subsequently we were notified that the property had sold and that the title insurance company would be responsible for the outstanding fines and would appear before the Commission to request the fine reduction.

### **Fiscal / Budget Impact**

Amount due to be considered for a fine reduction: \$14,803.78 (Village Commission)

August 4, 2015

Commission Agenda Report

Fine Reduction

## **Recommendation**

Commission to consider the fine reduction request for the 1995 and 1997 municipal liens.

## **Attachments**

- Corrected lien search summary dated June 3, 2015
- Municipal lien dated November 28, 1995
- Municipal lien dated April 9, 1997
- Calculation amount due for each lien through May 2015
- Indemnification letter dated June 3, 2015 from the Attorney's Title Insurance Fund



# The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

Date: June 3, 2015

**CORRECTED**

RELIABLE LIEN SEARCH, INC  
12741 MIRAMAR PARKWAY 102  
MIRAMAR, FL 33027

Phone: 866 717 5120

Fax: 866 717 5119

Sent via Fax  
Pages: 5

Dear Sir or Madam:

We are in receipt of your request for a lien search for:

Address: 1000 NE 119TH Street, Biscayne Park, FL  
Folio No.: 17 2232 025 0010

Please be advised of the following fees currently due on the property:

<b>1 Municipal Liens:</b>	17003 2456 (Recorded 11/28/1995)	\$7,501.34
	17593 4129 (Recorded 4/9/1997)	\$7,302.44
		\$0.00
		\$0.00
	<b>Municipal Liens Total:</b>	<b>\$14,803.78</b>
<b>2 Waste Fees (2006 and Prior):</b>	<b>Waste Fees Total:</b>	<b>\$0.00</b>
<b>3 Special Pick ups:</b>		\$0.00
		\$0.00
		\$0.00
	<b>Special Pick Up Total:</b>	<b>\$0.00</b>
<b>4 Code Violations:</b>		\$0.00
<i>Amounts shown are calculated through the date on this form. Daily fines will continue to accrue.</i>		\$0.00
		\$0.00
		\$0.00
	<b>Code Violation Total:</b>	<b>\$0.00</b>
<b>5 Building Dept.:</b>	Permit #:	\$0.00
	Permit #:	\$0.00
	<b>Open Permits Total:</b>	<b>\$0.00</b>
<b>6 Landlord Permit:</b>		\$0.00
		\$0.00
	<b>Landlord Permit Total:</b>	<b>\$0.00</b>
<b>GRAND TOTAL</b>		<b>\$14,803.78</b>

Comments:

Re-Occupancy Certificate required before closing. For rental properties, landlord permit required.  
All open and expired permits listed require a final inspection in order to be closed out. For inquiries regarding building permits, please call the Building Coordinator at 305 899 8000.  
All payoffs must be accompanied with copy of settlement in order to update our records for all properties sold or refinanced. All amounts are due at time of property sale or refinance. Any delinquent balance constitutes a special assessment lien on the property. Interest continues to accrue until balance is paid in full.

IMPORTANT: Lien fee is only good for thirty (30) days after this notice. Please submit a new lien search fee if any payoffs are needed after thirty (30) days of notice.

95R483725 1995 NOV 28 09:28

NOTICE OF MUNICIPAL

LIEN

To: Kelly Murphy  
15483 88 Rd N  
Loxahatchee, Florida 33470

PLEASE TAKE NOTICE that the Village of Biscayne Park, a municipal corporation organized under the laws of the State of Florida, does hereby file its lien by the authority set forth in Municipal Ordinance No. 188 (Collections and disposal of debris), against the following described real property situated and lying in Dade County, Florida, to-wit:

Biscayne Lawn And Plat, Lot 1, according to the Plat thereof recorded in Plat Book 39 at Page 48 of the Public Records of Dade County, Florida, also known as 1000 N.E. 119 Street

Folio # 17 2232 25 0010 0,

That the Principal amount of the Lien is \$497.93 plus \$12.00 recording fee and attorney fees as of the fiscal year 1995, together with interest at the rate of Eighteen (18%) percent per annum.

WITNESS my hand and official seal at Village of Biscayne Park, Florida,

this 20th day of October, 1995.



*Jean Watson*  
Jean Watson  
Village Clerk

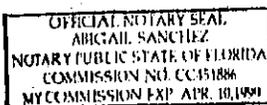
RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA  
RECORD # 954110  
HARVEY BLIVIN,  
Clerk of Circuit & County  
Courts

Sworn and subscribed before me  
this 20th day of October, 1995.

This instrument prepared by:

Jean Watson  
Village Clerk  
Village of Biscayne Park  
840 N.E. 114 Street  
Biscayne Park, Florida 33161

*Abigail Sanchez*  
NOTARY PUBLIC STATE OF FLORIDA.



OFF. REC. 17593 04129

NOTICE OF MUNICIPAL LIEN

97R153171 1997 APR 09 09:55

To Kelly Murphy  
15463 86 Road North  
Loxahatchee, Florida 33470

PLEASE TAKE NOTICE that the Village of Biscayne Park, a municipal corporation organized under the laws of the State of Florida, does hereby file its lien by the authority set forth in Municipal Ordinance No. 188 (Collections and disposal of debris), against the following described real property situated and lying in Dade County, Florida, to-wit:

Biscayne Lawn Amd Plat, Lot 1, according to the plat thereof recorded in Plat Book 39 at Page 48 of the Public Records of Dade County, Florida, also known as 1000 N E 119 Street  
Folio No. 17 2232 25 0010 0

That the principal amount of the lien is \$426.96 plus \$12.00 recording fee and attorney fees as of the fiscal year together with interest at the rate of Eighteen (18%) percent per annum

Witness my hand and official seal at Village of Biscayne Park, Florida, this 28 day of March, 1997

Jean Watson  
Village Clerk

(Corporate Seal)

Sworn and subscribed before me this 28 day of March, 1997

NOTARY PUBLIC STATE OF FLORIDA  
NOTARY PUBLIC STATE OF FLORIDA  
GLENVADEE HERRON  
COMMISSION NO. CC 403891  
MY COMMISSION EXPIRES  
SEPT. 21, 1998

This instrument prepared by  
Jean Watson  
Village Clerk  
Village Of Biscayne Park  
640 Northeast 114 Street  
Biscayne Park, Florida 33161

RECORDED IN OFFICIAL RECORDS DIVISION  
OF DADE COUNTY, FLORIDA  
RECORD # 17593  
HARVEY RUVIN  
CLERK CIRCUIT COURT



VILLAGE OF BISCAYNE PARK  
 640 NE 114TH STREET  
 BISCAYNE PARK, FL 33161  
 TEL: 305 899 8000 FAX: 305 891 7241  
 www.biscayneparkfl.gov

## Municipal Lien Fees

Date: 05/28/15

Property Address: 1000 NE 119TH STREET

Balance as of 03/28/1997 \$ 438.00

Year	18% Annual Penalty Assesment	New Balance
1999	\$ 78.84	\$ 516.84
2000	\$ 93.03	\$ 609.87
2001	\$ 109.78	\$ 719.65
2002	\$ 129.54	\$ 849.18
2003	\$ 152.85	\$ 1,002.04
2004	\$ 180.37	\$ 1,182.40
2005	\$ 212.83	\$ 1,395.24
2006	\$ 251.14	\$ 1,646.38
2007	\$ 296.35	\$ 1,942.73
2008	\$ 349.69	\$ 2,292.42
2009	\$ 412.64	\$ 2,705.06
2010	\$ 486.91	\$ 3,191.97
2011	\$ 574.55	\$ 3,766.52
2012	\$ 677.97	\$ 4,444.49
2013	\$ 800.01	\$ 5,244.50
2014	\$ 944.01	\$ 6,188.51
2015	\$ 1,113.93	\$ 7,302.44
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -

New Balance: \$ 7,302.44





VILLAGE OF BISCAYNE PARK  
 640 NE 114TH STREET  
 BISCAYNE PARK, FL 33161  
 TEL: 305 899 8000 FAX: 305 891 7241  
 www.biscayneparkfl.gov

## Municipal Lien Fees

Date: 06/06/15

Property Address: 1000 NE 119TH STREET

Balance as of 10/20/1995 \$ 449.93

Year	18% Annual Penalty Assesment	New Balance
1999	\$ 80.99	\$ 530.92
2000	\$ 95.57	\$ 626.48
2001	\$ 112.77	\$ 739.25
2002	\$ 133.06	\$ 872.31
2003	\$ 157.02	\$ 1,029.33
2004	\$ 185.28	\$ 1,214.61
2005	\$ 218.63	\$ 1,433.24
2006	\$ 257.98	\$ 1,691.22
2007	\$ 304.42	\$ 1,995.64
2008	\$ 359.22	\$ 2,354.86
2009	\$ 423.87	\$ 2,778.73
2010	\$ 500.17	\$ 3,278.91
2011	\$ 590.20	\$ 3,869.11
2012	\$ 696.44	\$ 4,565.55
2013	\$ 821.80	\$ 5,387.35
2014	\$ 969.72	\$ 6,357.07
2015	\$ 1,144.27	\$ 7,501.34
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -

New Balance: \$ 7,501.34





ATTORNEYS' TITLE INSURANCE FUND, INC  
6545 Corporate Centre Blvd., Suite 200  
Orlando, FL 32822 | www.ATIF.com  
855.730.4700 toll-free phone & fax

June 3, 2015

*Amended Letter*

Old Republic National Title Insurance Company  
c/o Alexandra L. Deas, P.A.  
2215 River Boulevard  
Jacksonville, Florida 32204

*Attn: Alexandra L. Deas, Esq.*

Re: Fund Policy No.: OPM-2109585  
Name of Insured: Margaret Ashworth  
Your File Reference: 15-0171; Fund File No.: 01-2015-177126A-2

Gentlemen:

In consideration of your company agreeing to insure title to the property insured by our referenced policy, Attorneys' Title Insurance Fund, Inc. hereby agrees to indemnify your company against any loss it might suffer as a result of liability under its policy arising out of the following in MIAMI-DADE County, Florida:

Lack of satisfaction or release of record of that certain Notice of Municipal Lien dated March 28, 1997 and recorded April 9, 1997, in O.R. Book 17593, Page 4129.

Lack of satisfaction or release of record of that certain Notice of Municipal Lien dated October 20, 1995 and recorded November 28, 1995, in O.R. Book 17003, Page 2456.

Attorneys' Title Insurance Fund, Inc. hereby agrees to undertake the necessary steps to remove the noted defect(s) in a reasonably diligent manner.

This indemnification letter is limited to the face amount of our policy, and is given with the understanding that should the matter(s) indemnified against result in a claim being asserted against your policy, Attorneys' Title Insurance Fund, Inc. will be notified, and shall have the right to retain counsel to defend or assist in the defense of such a claim. Liability under the policy by your company is a prerequisite to payment under this indemnification letter.

Yours truly,

A handwritten signature in black ink that reads 'Kim Lewis'. The signature is fluid and cursive, with a long, sweeping underline.

Kim Lewis  
Legal Assistant  
Claims



## **Village of Biscayne Park Commission Agenda Report**

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Fine Reduction Request  
11925-27 NE 12<sup>th</sup> Court

**Prepared By:** Maria Camara

**Sponsored By:** Staff

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### **Background**

Mr. Orlando Milligan is the property owner of 11925-27 NE 12<sup>th</sup> Court (duplex). In May 2015, Mr. Milligan became aware of a lien against this property for a code violation (property maintenance paint) dating back to 2002. After working with the Code Compliance Officer and getting an affidavit of compliance, Mr. Milligan requested to go before the Code Compliance Board for a fine reduction. On July 13<sup>th</sup> the Board heard the case. The fine was reduced and it was paid in full on July 15<sup>th</sup>. A release of lien was recorded on July 27<sup>th</sup>.

During this same time, another lien against the property was identified from 2001 for non-payment of the annual waste fees. The amount due at the time the lien was recorded on Feb. 15, 2001, was \$2,214.68 plus a \$12.00 recording fee, plus interest at 18% per year.

Using the total amount due of \$2,214.68 the total amount due with interest is \$39,487.35 as of June 25<sup>th</sup> is \$26,661.70.

August 4, 2015

Commission Agenda Report

Fine Reduction

On July 9<sup>th</sup>, the attorney representing Mr. Milligan, Carla A. Jones, made a request to go before the Commission for a fine reduction.

### **Fiscal / Budget Impact**

Amount due to be considered for a fine reduction: \$26,661.70

### **Recommendation**

Commission to consider the fine reduction request for the unpaid waste fees.

### **Attachments**

- Municipal lien recorded on Feb. 15, 2001
- Calculation of total due including interest as of June 25, 2015

Return To:  
Beatris M. Arguelles, CMC  
Village Clerk  
640 N. E. 114 Street  
Biscayne Park, FL 33161

**NOTICE OF MUNICIPAL LIEN**

**PLEASE TAKE NOTICE** that the Village of Biscayne Park, a municipal corporation organized under the laws of the State of Florida, does hereby file its lien by the authority set forth in Municipal Ordinance No. 188, collections and disposal of debris, against the following described real property situated and lying in Miami Dade County, Biscayne Park FL, to-wit:

Legal Description: - Adriatic Sub, lot 3, block 3, according to the plat thereof recorded in Plat Book 91 at page 31 of the public records of Miami Dade County, Florida a/k/a 11925-27 NE 12<sup>TH</sup> ct

Folio No.: **17.229.76.0170.9**

That as of the date of filing, the Principal amount of the lien is **\$2,214.68**, plus a **\$12.00** recording fee and shall increase monthly at a rate of **1 1/2%** for each month, beginning February 1, 2001, until total lien amount is paid.

Witness my hand and seal this **12<sup>th</sup>** day of **January**, 2001.

Signed and Sealed in the presence of:

Witness Signature

Printed Name

Witness Signature

Printed Name

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

VILLAGE OF BISCAYNE PARK

By:

Authorized Signature

**Beatris M. Arguelles**  
Printed Name

**Village Clerk**  
Title

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA.  
RECORD VERIFIED  
HARVEY RUVIN  
CLERK CIRCUIT COURT

The foregoing instrument was acknowledged before me this **12<sup>th</sup>** day of **January**, 2001. Affiant, is known to me.

Notary Public, State of Florida

Print Name: **Jean S. Bridges**

This Instrument Prepared by:  
Beatris M. Arguelles, CMC/AE  
Village Clerk  
640 N. E. 114 Street  
Biscayne Park, FL 33161  
(305) 899-8000

My Commission Expires:



Jean S Bridges  
My Commission CC726450  
Expires March 22, 2002

2001 FEB 15 11:35 AM 019074950



# Village of Biscayne Park # 478

640 NORTHEAST 114th STREET  
BISCAYNE PARK, FLORIDA 33161

REMINDER SENT

PHONE: (305) 893-7490  
FAX: (305) 891-7241

SEP 08 2000

## STATEMENT OF WASTE FEES

PROPERTY  
ADDRESS:

11925-27 12TH CT  
Biscayne Park, FL 33161  
FOLIO #: 17.2229.076.0170

REMINDER SENT  
OCT 11 2000

NAME ON ACCOUNT: Orlando Milligan  
MAILING ADDRESS:

ENTERED  
2270.23

# OF UNITS: 2  
ANNUAL DUE: 740.00 (\$370 per unit)

DATE	DESCRIPTION	DEBIT	CREDIT	BALANCE
	Balance includes penalties & interest on outstanding waste taxes.			2,025.40
	Check # _____ Receipt. No _____			
8/1/00	1 1/2 % Interest	30.39		2055.79
9/1/00	1.5 % " per mo.	30.84		2086.63
10/1/00	" "	31.30		2117.93
11-1-00	" "	31.77		2149.70
12-1-00	" "	32.25		2181.95
01-01-01	" "	32.73		2214.68
01.12.01	Lien Filing	12.00		2236.68
	BILLED FEB 0 1 2001	33.55		2270.23

REMINDER SENT

AUG 06 2000



VILLAGE OF BISCAYNE PARK  
 640 NE 114TH STREET  
 BISCAYNE PARK, FL 33161  
 TEL: 305 899 8000 FAX: 305 891 7241  
 www.biscayneparkfl.gov

## Municipal Lien Fees

Date: 06/25/15

Property Address: 11925-27 NE 12TH COURT

Balance as of 01/12/2001 \$ 2,226.68

Year	18% Annual Penalty Assesment	New Balance
2001	\$ 400.80	\$ 2,627.48
2002	\$ 472.95	\$ 3,100.43
2003	\$ 558.08	\$ 3,658.51
2004	\$ 658.53	\$ 4,317.04
2005	\$ 777.07	\$ 5,094.10
2006	\$ 916.94	\$ 6,011.04
2007	\$ 1,081.99	\$ 7,093.03
2008	\$ 1,276.75	\$ 8,369.78
2009	\$ 1,506.56	\$ 9,876.34
2010	\$ 1,777.74	\$ 11,654.08
2011	\$ 2,097.73	\$ 13,751.81
2012	\$ 2,475.33	\$ 16,227.14
2013	\$ 2,920.88	\$ 19,148.02
2014	\$ 3,446.64	\$ 22,594.67
2015	\$ 4,067.04	\$ 26,661.70
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -

New Balance: \$ 26,661.70





## **Village of Biscayne Park Commission Agenda Report**

**Village Commission Meeting Date: August 4, 2015**

**Subject: Pass a resolution indicating the Commission's desire that the Village of Biscayne Park become a member of the Florida Humanities Council**

**Prepared By: Commissioner Barbara Watts**

**Sponsored By: Commission**

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### **Background**

With the completion of the Administration Annex Building and the Log Cabin's restoration, the Village of Biscayne Park will have a facility other than the Rec. Center for meetings, activities, and events. When residents have asked "For what will we use the Log Cabin?", the stock (and accurate reply) has been that Advisory Board, Commission meetings, and the like will be held there, thus "freeing" the Rec. Center for additional recreational activities, and that the Cabin may be rented on occasion for wedding parties . . . Beyond this, there has been talk of art exhibitions etc. which is fine, but to do exhibitions well requires a good number of people with expertise who have lots of time, and, of course, money. What to do?

I believe that we should make optimum use of the Log Cabin so as to enrich the cultural offerings the Village brings to its residents, but do so recognizing our limitations re: staff and resident time and the lack of funds for such endeavors (we cannot impinge upon funds designated for more pressing, practical matters). The Florida Humanities Council offers a solution to this dilemma: Currently, it offers programs that may enable the Village to offer cultural enrichment to its residents and, as well, to those of its neighboring communities. In the long run, programs offered through the Florida Humanities Council

August 4, 2015

Florida Humanities Council

may provide the Village and its Log Cabin with a track record that will make possible larger projects, larger grant applications, and collaboration with significant South Florida arts and cultural institutions.

With the help of the Administration and, in at least one instance, the Biscayne Park Foundation, I would like the Village to engage in three initiatives that involve programs sponsored by the Florida Humanities Council:

1) To apply (through the Foundation) for a mini-grant (up to \$5,000) to fund a cultural program in celebration of the Log Cabin's restoration and re-opening. I am willing to write this application (as with the Miami-Dade Cultural Affairs grant for the Village's 75<sup>th</sup> Anniversary, I will need help from the Village Administration, the Foundation and those who help it so as to obtain the necessary financial information). Deadlines: Sept. 1 and Oct. 1.

2) To benefit from the Council's recently established "Speakers Bureau" Program, which provides funds for the engagement of scholars, journalists, actors, and others to provide lectures and/or performances on a host of topics related to the history and culture of Florida, past to present (as much as \$750 for each "program" (lectures or performances), three programs maximum). This requires that the applicant be a member of the FL Humanities Council, which costs \$75 per year. This is a timely matter as funds are limited, and are given on a first come first served basis. See below for a selection of speakers and their lecture titles that I've chosen from the Council's Speakers Bureau listing. I am willing to spearhead this project, but would appreciate help.

3) In the future, to apply to host one of the Council's cultural exhibitions through the Smithsonian Institution's "Museum on Main Street" program (MoMs), which offers a "free-standing Smithsonian exhibit," \$6,000 for programming and more, a privilege granted to only several applicants per year (this year's exhibition: "Water: Resource for Life"; deadline, July 3).

### **Fiscal / Budget Impact**

\$75.00 per annum Florida Humanities Council membership, staff time, and depending upon activities, increase in utilities expenses, and perhaps, some funds for advertising.

### **Recommendation**

Pass a resolution indicating the Commission's desire that the Village of Biscayne Park become a member of the Florida Humanities Council and its intent that the Village engage in efforts to make use of the opportunities it offers.

### **Attachments**

Consult the Florida Humanities Council website: [floridahumanities.org](http://floridahumanities.org) Click on the "Grants" and "Programs" links.

**August 4, 2015**

**Florida Humanities Council**

From this website, "About Us": "Mission: "The Florida Humanities Council is dedicated to building strong communities and informed citizens by providing Floridians with the opportunity to explore the heritage, traditions and stories of our state and its place in the world.

Established in 1973, we are an independent, nonprofit affiliate of the National Endowment for the Humanities. We develop and fund public programs and resources around the state that explore Florida's history and cultural heritage, literary and artistic life, environment and development, issues and ideas, communities and traditions."

- **About the Florida Speakers Bureau from the Florida Humanities Council website.**
- **Grant information; John Stuart, Professor and Associate Dean for Cultural and Community Engagement**

About the Florida Speakers Bureau, from the Florida Humanities Council website:

## Speakers Bureau

The Speakers Bureau provides funding to help local organizations around Florida bring high-quality humanities presenters to their communities. Organizations can book up to three programs per year and receive up to \$750 per program to help cover the expenses. The Speakers Bureau is a benefit offered to organizational members of the Florida Humanities Council. Becoming a member is easy and costs \$75 per year.

For the next several years, the Florida Humanities Council will explore the topic of water in our state. Water defines us as Floridians. From more than one thousand miles of coastline to our nearly nine thousand lakes and springs, water impacts our state no matter where we live. We invite you to join us in a discussion about how water impacts our state's history, culture, and future.

### How it works:

- Join the Council! Access to the Speakers Bureau requires an [organizational membership](#) of \$75. For questions about membership, contact Barbara Bahr at 727-873-2003 or [bbahr@flahum.org](mailto:bbahr@flahum.org)
- Browse our roster of programs or [pick a series](#) that's right for your organization
- Contact the speaker(s) to discuss program details (date, honoraria, equipment, etc.). In it up to you to negotiate the speaking fee. We do not set the honoraria rate with speakers.
- Submit an online Speakers Bureau application. Book one program or up to three. We will notify you within 2 weeks if the application has been approved.
- After successfully hosting your event, submit an online final report. A report must be submitted after each individual program.
- Upon approval of your final report, you will receive a reimbursement of up to \$750 per program.

Florida Humanities Council funds must be matched by the organization by an equal amount of cash and/or in-kind services. Approved matches include staff/volunteer time, equipment/facility usage, publicity, and other program-related expenses. We reserve the right to reject applications based on an organization's prior history. Funding is limited, so book your programs today!

Organization members can book up to three programs per year. Save time and book all at once! Choose from one of our themed series below or mix and match from our main roster.

\*\*\*\*\*

This program requires an in-kind match, which I am told, usually is not a problem. In kind can be staff time, facility rental and the like.

My thought is to negotiate and propose three “programs” of differing subjects rather than a “themed series” so as to offer a wide variety of lectures. We might choose one historical lecture, one environmental, and another, perhaps an enactment. The Administration can determine the possible dates and these may determine the selected speakers, as the speakers will have their own schedules. My thought is to request three lectures (hoping for at least two) and offer one in January or early February, the next in late April or early May, and a third in late August/early September.

We might also reduce the amount of each Speaker’s fee by offering our hospitality. Many residents have spacious homes with spare bedrooms or bedroom suites. We might those who have space to offer to their hospitality to our out-of-town guests.

The Commission should decide how to proceed. I do not think that we have time to entrust this to an Advisory Board or form an ad hoc committee. I think that we should, individually, elicit thoughts of residents, identify six speakers/lectures in the different categories, and proceed ASAP.

I am willing organize this project or merely make the initial contact with the chosen speakers and get a sense of the person learn his/her fees and schedule etc. (I’ve experience with this)—whatever is the direction of the Administration and Commission, If the Mayor or another Commissioner would like to join me in this endeavor, that would be great, especially if his/her contribution would simplify matters, reduce my typing load, and reduce the burden on the Village Administration..

Below are some of the lectures (with descriptions) from the expansive FHC Speakers Bureau list that I think may be of interest to BP residents and others in the area. The short bio of each speaker played a significant role in my choices (will explain if asked)..

## Majory Stoneman Douglas: A Life with the Everglades

### **Presented By Jack Davis**

University of Florida historian Jack Davis draws on his award-winning biography to discuss the life and legacy of writer, feminist, and environmentalist Marjory Stoneman Douglas, recognized as a Great Floridian.

Dr. Jack E. Davis is a professor of environmental history and sustainable studies at the University of Florida. He is the author or editor of several books on Florida and is a frequent contributor to Forum. His latest book, *An Everglades Providence: Marjory Stoneman Douglas and the American Environmental Century*, won the gold medal in nonfiction from the Florida book awards. He is now writing *Gulf: The Making of an American Sea*, an environmental history of the U.S. Gulf region from geological formation to the present. The book builds on an article wrote for Forum, which was the recipient of two Charlie Awards.

## Nature's Dozen: Key Moments in Florida's Environmental History

### **Presented By Jack Davis**

University of Florida environmental historian Jack Davis offers a brief survey of Florida history—from the pre-Spanish period to the present—showing how nature has shaped the course of human events.

See bio. paragraph above.

## Florida and the Gulf of Mexico: History, Wisdom, and Hope

### **Presented By Jack Davis**

Drawing from his forthcoming book, *Gulf: The Making of an American Sea*, University of Florida history professor Jack E. Davis will talk about the role the Gulf of Mexico has played in the course of U.S. history. He is interested in the way people, from pre-Spanish natives to current shoreside residents, have organized their societies and individual lives around nature, and how Gulf nature has been a positive force in human events. Unfortunately, human activities have sometimes led to unintended consequences that have undermined the Gulf's beneficence.

See bio. paragraph above

## RAIN: A history for stormy times

### **Presented By Cynthia Barnett**

An engaging natural and cultural tour of RAIN, from its key roles in civilization, religion, and art; to the peculiar history of the world's first raincoat; to the rain obsessions of our "Founding Forecaster," Thomas Jefferson – all building to the uncharted rains of climate change. We'll also take a look at how many communities are coming to live differently with rain — as with all water, part of a new water ethic in America. Rain connects us in all sorts of ways – as profound as prayer and art, as practical as economics, as genuine as an exchange between strangers on a stormy day. Too much and not enough, rain is a shared experience, and one of the ways climate change can become a conversation rather than a confrontation.

Cynthia Barnett is a long-time journalist who has covered freshwater issues from the Suwannee River to Singapore. She is the author of three books on water. *Mirage: Florida and the Vanishing Water of the Eastern U.S.*, won the gold medal for best nonfiction in the Florida Book Awards and was named by The St. Petersburg Times as one of the top 10 books that every Floridian should read. *Blue Revolution: Unmaking America's Water Crisis*, was named one of the top 10 science books of 2011 by The Boston Globe.

The Globe calls Barnett “part journalist, part mom, part historian, and part optimist.” The Los Angeles Times writes that she “takes us back to the origins of our water in much the same way, with much the same vividness and compassion as Michael Pollan led us from our kitchens to potato fields and feed lots of modern agribusiness.” Barnett’s latest book, *Rain*, comes out in spring 2015.

## Blue Revolution: A Water Ethic for Florida

### **Presented By Cynthia Barnett**

Water defines us as Floridians no matter where we live: Idyllic beaches surround us on three sides. Rivers and streams flow for ten thousand miles through the peninsula. We’re blessed with nearly eight thousand lakes and a thousand more freshwater springs – the largest concentration of artesian springs in the world. Florida’s economy and idyllic lifestyle are built on a foundation of pure and plentiful water. Yet, for the first time in state history, the latest generation of Floridians has not inherited waters as clean and abundant as when they were born.

In her uplifting program *Blue Revolution: A Water Ethic for Florida*, journalist Cynthia Barnett shows audiences how one of the most water-rich states in the nation could come to face water scarcity and quality woes – and how it doesn’t have to be this way. With a shared ethic for water, Floridians come together to use less and pollute less. We live well with water today, in ways that don’t jeopardize fresh, clean water for our children, ecosystems, and businesses tomorrow.

See bio paragraph above.

## Spies, Schemes, and the Sons of Liberty: The Shadier Side of East and West Florida during the American Revolution

### **Presented By Roger Smith**

Did you know that the British royal governor of East Florida accused prominent men in the colony of holding a Sons of Liberty meeting? Or that during the American Revolution the British put plans in motion to literally steal the Mississippi River? These and other wild escapades of treason, revolutionary land schemes, spies, and espionage fill the annals of East and West Florida history throughout the Revolutionary War period. This discussion will introduce you to the shadier side of British occupation in Florida and how those instances impacted the nation’s fight for independence.

Dr. Smith received his Bachelor's Degree in History in 2006, a Master's Degree in American History in 2008, and a Ph.D. in Early American History and Atlantic World Studies, with a certificate of scholarship in Museum Studies, in 2011 – all from the University of Florida. His work on the American Revolution in the South has received the Aschoff Fellowship Dissertation Award and the Jack and Celia Proctor Award in Southern History. Dr. Smith's new book, *The Last Union Jack*, discusses the little-told story of British intention and military activity in the southern colonies from 1775 – 1780, as recorded from a British perspective.

Dr. Smith now represents the firm of Colonial Research Associates, Inc., and speaks across the South on his Revolutionary War research. His current projects include the new AMC television series *Turn*, a spy thriller set on Long Island, New York, in 1778. Dr. Smith provides historical research for Super Music Vision, the music production company for this and other AMC programs. You may also see Dr. Smith speak of Florida's Revolutionary War history in the PBS documentary, *America: the Prequel*, a four-part series on the 450-year history of the city of St. Augustine that is due out in the fall of 2014. Most recently, Dr. Smith is in the process of selecting several primary stories of interest from his book and reworking them into a series of 32-page "gift shop" booklets that are designed to reach a broad general audience and will include Core Curriculum requirements in the Humanities and Social Sciences for the State of Florida's public school systems. The first booklet in the series is called "The 14th Colony: George Washington's Planned Invasions of East Florida" and will be available by July 2014. Book two, "Hope of Freedom: Southern Blacks and the American Revolution" will be available by late summer/early fall.

## The American Revolution's Best Kept Secret: Why East and West Florida Mattered

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Based on his award winner doctoral dissertation, Dr. Roger Smith shares newly recovered information concerning British intentions in the southern colonies during the American Revolution. Did you know that there was more than one British southern invasion, or that George Washington penned over 80 letters to his general staff and the Continental Congress about St. Augustine? Did you know that there were 34 colonies that comprised the British Americas, stretching from Nova Scotia in the North Atlantic to Grenada in the farthest reaches of the southern Caribbean—and when measured, the geographic center of this vast area is two miles north of the St. Johns River in present-day Jacksonville. Dr. Smith's research reveals that not only was the South crucial to the needs of the empire from 1775 on, but that East and West Florida played critical roles in these designs.

See above bio for Dr. Smith.

## Spanish Colonial Foodways

### Presented By Catherine Parker

Food is more than the stuff of life; it is an important part of our heritage and culture that defines us as a people. How do we know what we know about food in colonial Florida? Cathy Parker demonstrates for her audience how information from the written historical record, together with evidence from the archaeological record, has answered this question time after time—giving us a more complete picture, for example, of early life in la Florida. She shows that careful comparison of archaeological evidence—in the form of bones, shells, and burned seeds; with appropriate documentary evidence—in the form of letters, inventories, requisitions, and church records—is very much like solving a mystery or a puzzle. Cathy presents examples of foods the colonial settlers craved, compared to what they actually had to eat (if they were lucky!). She also recreates the standard European military ration, which, with few minor changes, would be readily recognized as “home cooking” by any soldier in the 15th – 19th centuries. Handouts with recipes will be provided, and questions are encouraged.

Catherine B. Parker earned both a bachelor’s degree in Anthropology and a master’s degree in Historical Archaeology from the University of West Florida in Pensacola. Since the late 1990s, Cathy has worked for the Archaeology Institute at UWF as their faunal analyst, identifying and studying animal remains excavated from archaeological sites. As most of these are bones and shells which represent discarded food remains, she naturally became interested in the diets of both indigenous peoples and the “newcomers”—primarily colonial settlers of European, Mexican, and African backgrounds. She shares her knowledge and enthusiasm for her profession with archaeology students, at public events and seminars in the Pensacola area, at professional conferences, and has contributed to three scholarly publications and numerous archaeological reports.

## The Scent of Scandal: Inside the Wild World of Orchid-Smuggling

### Presented By Craig Pittman

Orchid collectors are the folks who put the “cult” in “horticulture.” The proof: The discovery of a spectacular new orchid from South America leads to black market sales in Miami at a price of \$10,000 a plant and then to a grand jury investigation in Tampa that ensnares one of the state’s tourist attractions. Truly one of the weirdest “weird Florida” stories ever, and it’s all true.

Award-winning author and journalist Craig Pittman is a native Floridian. Born in Pensacola, he graduated from Troy State University in Alabama, where his muckraking work for the student paper prompted an agitated dean to label him “the most destructive force on campus.” Since then he has covered a variety of newspaper beats and quite a few natural disasters, including hurricanes, wildfires and the Florida Legislature. Since 1998, he has covered environmental issues for Florida’s largest newspaper, the Tampa Bay Times, winning state and national awards. He’s the co-author, with Matthew Waite, of *Paving Paradise: Florida’s Vanishing Wetlands* and the *Failure of No Net Loss*, (2009) and the author of *Manatee Insanity: Inside the War Over Florida’s Most Famous Endangered Species* (2010), and, most recently, *The Scent of Scandal: Greed, Betrayal, and the World’s Most Beautiful Orchid*. He currently lives in St. Petersburg.

## When Manatees Were Sea Cows: How Floridians Coped When Times Were Hard

### **Presented By Janie Gould**

This program explores some of the inventive ways in which Floridians survived during the Great Depression and later in the 20th century. The presentation will focus primarily on food, especially items not generally consumed today, such as sandhill cranes, gopher tortoises, raccoons and armadillos. It will also include a woman's memories of how her unemployed father was able to put food on the table during the Great Depression by collecting Spanish moss and selling it for use as mattress stuffing. Most of the people whose voices will be heard reside on the Treasure Coast, but the topic has general interest.

Janie Gould, a fourth-generation Floridian, lives in Vero Beach. She is a writer, editor, lecturer and retired public radio journalist. She created and produced the Floridays show for WQCS, the NPR member station for the Treasure Coast. Her Floridays segments on Florida history and culture were also carried on the statewide public radio show, Florida Frontiers. She received numerous awards from the Associated Press, and the Florida Historical Society selected her to receive the Hampton Dunn Radio Broadcast Award in 2007. She has published two books, *Floridays: Stories From Under the Sun, Vols. 1 and 2*. Her third book, *Food for Floridays: Stories and Recipes*, is due out in November. She is a board member of Vero Heritage, Inc., a former president of the Indian River County Historical Society, and a former board member of the Florida Historical Society.

## The Immortal Fountain: The Fountain of Youth in Florida's History, Mythology and Art

### **Presented By Mallory O'Connor**

The story of the Fountain of Youth has proved to be amazingly long-lived and multi-cultural, beginning with the accounts of Herodotus who described a fountain located in Ethiopia that was reputed to give exceptional longevity to those who bathed in its waters. Myths of a magical fountain also appear in the Alexander Romances and in popular culture throughout Asia. A similar story of a legendary fountain was circulated among the indigenous people of the Caribbean and recounted in Antonio de Herrera's chronicle of the voyage of Ponce de León published in the early 1600s. Among the many storied locations of the Fountain, Florida is definitely high on the list of possibilities.

O'Connor explores the connection between the fabled Fountain of Youth and the development of Florida as a land where dreams come true and people can reinvent themselves. Works of art—both traditional and popular—provide the framework for an intriguing look into the heart of Florida's self-image.

Mallory O'Connor is a Professor Emerita of Art History at Santa Fe College. She has been involved in numerous exhibits on Florida, including: Florida Before Columbus, Opening the Door to a New World: Mark Catesby in La Florida, and The Great Alachua Savanna: A Visual History of Paynes Prairie. Currently, she is working on a book and an art exhibition focusing on the Fountain of Youth in Florida history, mythology and art.

## The Highwaymen: Florida's African-American Landscape Painters

### Presented By Gary Monroe

This lively PowerPoint-assisted talk relates the story of these now-acclaimed artists, who taught themselves to paint idyllic versions of the Florida landscape and sell their creations door-to-door during the height of the Civil Rights Movement. Their paintings have become the measure of indigenous Florida art and are now celebrated and widely collected. Having written the seminal book that introduced the Highwaymen to the world, Mr. Monroe successfully nominated them into the Florida Artists Hall of Fame.

When Gary Monroe isn't traveling the world to photograph, he spends his time looking at life in Florida through his photography and his writings. His imagery and his literary works have been recognized by grants from the National Endowment for the Arts, Florida Department of State's Division of Cultural Affairs, Florida Humanities Council, and the Fulbright Foundation. His long-term photography projects include Miami's old-world Jewish community, Haiti and Haitian immigration, and tourism in the Sunshine State.

Focusing on self-taught and vernacular art, Mr. Monroe began his literary pursuits with *The Highwaymen: Florida's African-American Landscape Painters* (UPF, 2001). In this book, he told the story of these painters and offers a fresh interpretation of their art. Consequently, public interest in these compelling, but forgotten, artists was revived. The *New York Times* wrote a Lively Arts front-page article about the book, saying that "These colorful landscapes... shaped the state's popular image as much as oranges and alligators." In subsequent books, including *Harold Newton: The Original Highwayman* and *The Highwaymen Murals: Al Black's Concrete Dreams*, Mr. Monroe continued to tell this inspiring story. Additionally, he has brought the Highwaymen story to the citizenry of Florida through some 250 public lectures. Based on his nomination, these painters were inducted into the Florida Artists Hall of Fame in 2004. He has written other books about Florida art, including *Extraordinary Interpretations: Self-taught Florida Artists* (2003), *Silver Springs: the Underwater Photographs of Bruce Mozert* (2008), and *Florida's American Heritage River: Images from the St. Johns Region* (2009).

## Florida History from Palmetto-Leaves to The Yearling to River of Grass

### Presented By Betty Jean Steinshouer

Experience Florida through the milieu of three women authors, in character and costume: Harriet Beecher Stowe, Marjorie Kinnan Rawlings, and Marjory Stoneman Douglas. Each wrote a book that put Florida on the map – in 1873, 1938, and 1947, respectively.

- **Harriet Beecher Stowe in Florida: 1866-1884** Little-known facts about Mrs. Stowe's work for the Freedmans Bureau and her family's activities during the Civil War, including the Battle of Olustee. Illuminates discussion of the Reconstruction Era and its aftermath in Florida and the Sea Islands of Georgia and South Carolina
- **Marjory Stoneman Douglas: Reclaiming Florid** From her first glimpse of Florida light in 1891, when she was a toddler, to her death in 1998 at age 108, the woman known as the "matriarch of the Everglades" wrote volumes in addition to the River of Grass book. She wrote about hurricanes, trees, flowers, and "the long frontier" of Florida history.
- **Marjorie Kinnan Rawlings and 75 Years of THE YEARLING** Can it really be that long since Jody Baxter came into the America imagination? The book that won the Pulitzer Prize in 1939 will be the focus of a Florida history lesson – set in 1871, it tells of Cracker life immediately after the Civil War.

Betty Jean Steinshouer has been doing public programs and teacher seminars for the Florida Humanities Council since 1989 and has toured 43 other states for the National Endowment for the Humanities and the Big Read program of the National Endowment for the Arts. She is a Fellow in the Florida Studies program at the University of South Florida and portrays Marjory Stoneman Douglas in the "Dreamers and Schemers" trio that includes Henry Flagler and Gov. Napoleon Bonaparte Broward.

## Global Events That Touched Florida: Great Depression through Cold War

### Presented By Janie Gould

This program explores Floridians' memories of U-boat attacks, German POWs, the Cold War, Cuban Missile Crisis, and more, using excerpts from her Floridays shows first heard on public radio station WQCS/88.9 FM, Fort Pierce. In one excerpt, a man talks his father's poker game that was rattled by a submarine blast 15 miles away, off Jupiter Island. In another, a Florida resident talks about his first visit to the state, when he was a German prisoner of war at Camp

Blanding. Another man remembers planning for Soviet missile attacks during the Cold War. An African-American man, now retired from the Army, remembers being personally affected by racial segregation in Florida during the Cuban Missile Crisis.

Janie Gould, a fourth-generation Floridian, lives in Vero Beach. She is a writer, editor, lecturer and retired public radio journalist. She created and produced the Floridays show for WQCS, the NPR member station for the Treasure Coast. Her Floridays segments on Florida history and culture were also carried on the statewide public radio show, Florida Frontiers. She received numerous awards from the Associated Press, and the Florida Historical Society selected her to receive the Hampton Dunn Radio Broadcast Award in 2007. She has published two books, *Floridays: Stories From Under the Sun, Vols. 1 and 2*. Her third book, *Food for Floridays: Stories and Recipes*, is due out in November. She is a board member of Vero Heritage, Inc., a former president of the Indian River County Historical Society, and a former board member of the Florida Historical Society.

## The African Presence in Spanish Florida: Black Seminoles

### Presented By Rosalyn Howard

African slaves have often risked life and limb to escape southern slavery, but their options for sanctuary were extremely limited. Some fled to the Caribbean, while others fled south and joined forces with another group of freedom-seekers: the Seminoles. Dr. Rosalyn Howard will examine the African influence on Florida's iconic tribe, as well as the related Caribbean diaspora.

Professor Rosalyn Howard is Associate Professor of Anthropology and Director of the North American Indian Studies Program at the University of Central Florida. She specializes in Cultural Anthropology and her primary area of research is ethnohistorical studies of the African Diaspora with a focus on the interrelationships formed by African and Indigenous peoples in the

## The American Revolution's Best Kept Secret: Why East and West Florida Mattered

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## **Mini-Grant**

Through the Foundation, I would apply for a mini-grant to engage a speaker(s) and, if the grant allows it, musicians to mark the Log Cabin's restoration. The advantage of this grant is that, to my knowledge, it is not a matching one—so the Village will not have to expend its own funds for the event (food and beverages, of course, are not within the grant's parameters).

My thought is to ask Mr. R.J. Heisenbottle, who is overseeing the restoration to speak about the restoration itself and to enjoin Prof. John Stuart, Professor and Associate Dean for Cultural and Community Engagement of FIU's College of Architecture and the Art. Prof. Stuart is co-editor of [The New Deal in South Florida: Design, Policy and Community Building, 1933-40](#) (Gainesville, University of Florida, 2008) and well equipped to place the Log Cabin in its historical and architectural context. If Prof. Stuart is not willing or available, I will ask another scholar, if not an architectural historian, an historian who specializes in early 20<sup>th</sup> century America.

If the grant will permit this (the person who oversees this grant has been on vacation for the past few weeks and will not return to work 'till early August), I will include a funding request for a musical performance of music from the era, notably popular classical music from the era, such as works by Aaron Copeland's (*Fanfare for the Common Man, Appalachian Spring, El Salon Mexico*) and George Gershwin (*Porgy and Bess, Rhapsody in Blue, Of the I Sing*) and/or jazz, and/or some music from the AfroCubanismo movement of the 1920s-30s, such as works by Amadeo Roldan (*Overture on Cuban Themes*) or by Alejandro Garcia Caturia (*Obertura cubana*). My thought is to contact the North Miami Community Band, as it provided a fine performance for the Village's 75<sup>th</sup> Anniversary or the Gold Coast Jazz Society and/or Ted Grossman of WLRN's *Night Train* for suggestions as to musicians who perform works from the 1920s-40s, and, if necessary, faculty from FIU's School of Music.

Back-up to the back-up:

John Stuart's Bio from FIU's CARTA website:

## **John Stuart, Professor and Associate Dean for Cultural and Community Engagement**

John is a registered architect and principal of John Stuart Architecture with research interests focused on architectural design, its contexts, and its impact. He is currently a 2007-08 New York Prize Fellow at the Van Alen Institute. During his residency at the institute he will develop

“TimeZone,” a built project intended to empower communication between diverse people in public spaces in an effort to address global poverty and the “digital divide.”

In addition to his design work, Stuart has written Paul Scheerbart, *The Gray Cloth*, Paul Scheerbart’s *Novel on Glass Architecture* (Cambridge, Mass.: The MIT Press, 2001); Ely Jacques Kahn, *Architect: Beaux-Arts to Modernism in New York* (New York: W. W. Norton, 2006) with Jewel Stern, and edited *The Journal of Architectural Education: Gender and Architecture* (ACSA, 2002). His most recent book, *The New Deal in South Florida: Design, Policy and Community Building, 1933–1940* (Gainesville: The University Press of Florida, 2008) was co-edited with political scientist and FIU professor John Stack.

Professor Stuart’s research has been supported by grants and fellowships from the Graham Foundation for Advanced Study of the Fine Arts, the National Endowment for the Arts, The National Endowment for the Humanities, The National Science Foundation, and a Wolfsonian Research Fellowship. He won the 2004 Miami American Institute of Architects Award for Design Excellence for his project “Time Zone,” the chapter’s highest award.

His designs are part of the permanent collection of the Avery Architectural and Fine Arts Library at Columbia University. In 2003 he was a visiting associate professor at Columbia University’s Graduate School of Architecture, Planning and Preservation and has served as a guest critic on design reviews at Cornell, Harvard, Yale, RISD, University of Michigan, University of Florida, University of Miami, and FAU, among others.

Stuart has undergraduate degrees in classics and applied mathematics from Brown University, a graduate degree in classical archaeology from Princeton University, and completed his professional architecture degree at Columbia University.

He currently serves as chair of the FIU Faculty Senate Ad Hoc Committee on Building and the Environment and is a member of the FIU President’s Climate Commitment Task Force.

Description of [The New Deal in South Florida: Design, Policy and Community Building, 1933-40 from Amazon.com:](#)

### Review

"A valuable study of how national policy was translated into social and cultural realities in one of America's most unique landscapes and what that local transformation tells us about the limits and achievements of national reform efforts." - Carroll Van West, Middle Tennessee State University"

### Book Description

**Reveals how the New Deal made Florida what it is today** "A valuable study of how national policy was translated into social and cultural realities in one of America's most unique landscapes and what that local transformation tells us about the limits and achievements of national reform efforts."--Carroll Van West, Middle Tennessee State University The New Deal sought to restore national economic strength in part by reallocating resources and restructuring local landscapes. Few parts of the country were transformed as significantly as South Florida. Blurring the traditional disciplinary boundaries of design

history and political science, the contributors to *The New Deal in South Florida* explore the impact of a wide variety of New Deal projects on the region. They examine letters and photographs--many never before published--public murals, housing, parks, and architectural and community design. Heavily illustrated, this book offers historians and enthusiasts of Florida history a unique perspective on South Florida's growth during the 1930s. It reveals how Coral Gables, Miami Beach, Miami, and other communities were permanently altered by the impact of New Deal programs. It also reveals hidden gems of architecture and visual art that still exist today. Editors John Stuart and John Stack's work highlights the importance of New Deal projects to the area's development into one of the nation's premier urban districts and tourist destinations.



# Village of Biscayne Park

## Commission Agenda Report

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Holiday Home Tour Fundraiser  
Discussion

**Prepared By:** Commissioner Barbara Watts

**Sponsored By:** Commission

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### Background

Who isn't curious about the interiors of certain homes in Biscayne Park, the *Village of Homes*? I know I am.

Biscayne Park has a number of beautiful and historically and/or architecturally notable residences; and I imagine that many residents would love to see these homes' interiors, especially when they are decorated for the holiday season. I propose that the Village of BP (perhaps with the Foundation) initiate an annual "Winter Fest Home Tour" fundraiser, in this instance, to offset the cost the Village has incurred for the restoration of the Log Cabin.

Many organizations affiliated with municipalities sponsor annual home or garden tours that are successful and that are eagerly anticipated by many. The Historic Morningside Home Tour, the Villagers Garden Tour, the Home Tour organized by the Coral Gables Garden Club, and the Miami Shores "Home for the Holidays" Walk and Tour organized by a chapter of the University of Miami's Women's Cancer Association are but four examples. Most of these fund raisers are for charities or not for profit organizations. We might use this as a fund raiser solely for the purpose of Biscayne Park projects that need funding (after the costs incurred by the Log Cabin's restoration have been raised), or, in the spirit of the holiday season, be generous and choose a charity (such as Pelican Harbor or the Soffer and Fine Humane Society Center) for half or some percentage of the funds raised.

August 4, 2015

**Commission Agenda Report**

**Holiday Home Tours**

In a nutshell: the event would occur on a Sunday afternoon in mid-December for 3-4 hours. The tour would comprise five (?) homes (ideally, diverse in style); light refreshments, donated by local stores, would be offered; live music would be played at one of the houses (donated by a resident musician); perhaps, like the Coral Gables Garden Tour, baskets of home-made desserts and plants can be offered for sale; a bus or trolley will make a continuous circuit of the houses on the tour. Cost per ticket: \$20, 25 or \$30. Volunteers would be on hand at each home to help and to ensure that private areas are not entered.

For sponsors, I think that we should begin with local real estate agents. Perhaps, those who have houses listed in the Village would want to schedule an "Open House" on the day of the tour.

I think that we need an ad hoc committee to work with the Administration on this. A committee, rather than a Board, would not be burdened by the Sunshine Laws, which so often delay the planning process.

The Miami Shores Holiday Tour, which raised \$27,000 last year, might serve as our model. I do not expect that we would raise this amount, but whatever we raise would help. Now is the time to organize this event. For this first house tour event, I think we should keep it simple. Embellishments can come later.

Attached are the sponsorship letters, forms et cetera developed by the Heidi Hewes Chapter of the Woman's Cancer Association of the University of Miami, graciously provided by Councilwoman Ivonne Ledesma. These may serve as models for the forms we develop for our own Holiday Home Tour.

**Fiscal / Budget Impact**

Staff and Police time.

**Recommendation**

Approval and consensus to draft and adopt a resolution.

**Attachments**

- Heidi Hewes Chapter of the Woman's Cancer Association of UM Cover
- Home Tour - About the Walk
- Sponsorship Form
- Sponsorship Letter Friend
- Sponsorship Letter Personalized



**The Heidi Hewes Chapter  
of the Woman's Cancer Association of UM  
Presents:**

**24<sup>th</sup> Annual "Home For The Holidays" Walking Tour**



**Sunday, December 13, 2015 from 4:00 to 7:00 PM**

**2015 Sponsorship**

**Proceeds benefit cancer research  
at Sylvester Comprehensive Cancer Center  
& UM Miller School of Medicine**



UNIVERSITY OF MIAMI  
MILLER SCHOOL  
of MEDICINE

## HEIDI HEWES CHAPTER, WCA of UM



### 24<sup>th</sup> Annual “HOME FOR THE HOLIDAYS” WALKING TOUR

**WHAT:** Five Miami Shores homes open for guests to tour. Entertainment provided in each home. Included are wine and cheese, homemade cookies, sparkling cider or coffee, information and sponsor boards. Homes decorated by the Homeowner.

**WHEN:** Sunday, December 13 from 4:00 PM to 7:00 PM.

**Cost:** \$35 per person

**WHY:** Proceeds benefit cancer research at Sylvester Comprehensive Cancer Center.

**LAST YEAR WE AND OUR SPONSORS HELPED  
THESE DOCTORS IN THEIR CANCER RESEARCH  
AND TREATMENT OF CANCER PATIENTS.**

### WCA GRANTS 2014-2015

**Macarena Ines De La Fuente, MD - Brain Cancer - \$30,342.48.**

**Arlene Garcia-Soto, MD, & Brian M. Slomovitz, MD - Endometrial Cancer - \$50,000.**

**Nagi Ayad, PhD, Stephan Schurer, PhD, Ronan Swords, MD, PhD, & Arthur Zelent, PhD - Acute Myelogenous Leukemia - \$50,000.**

**Kerry L. Burnstein, PhD - Metastatic Prostate Cancer - \$50,000.**

**Francisco Vega, MD, PhD, & Chase Hwa Kim, MD - Large B Cell Lymphoma - \$50,000.**

**Noriyuki Kasahara, MD, PhD - Brain-Metastatic Breast Cancer - \$50,000**

**G. Patricia Cantwell, MD - Pediatric Palliative Care Program - \$5,000.**

**\$285,342.48** was donated by the Woman’s Cancer Association of UM fundraisers.

**Heidi Hewes Chapter WCA** contributed **\$99,777.33.**

**THIS YEAR YOU TOO CAN BECOME A SPONSOR. THANK YOU.**





*Heidi Hewes Chapter  
Woman's Cancer Association  
University of Miami*



~"Home for the Holidays" Walk and Tour 2015~

**December 13, 2015**

**Sponsorship Level Information**

**House Sponsor** Contribution of \$3,000 or More

- Sponsor a featured Home on the Walk with individual signage in that Home.
- Page in the event booklet/ticket.
- *Your sponsorship will include 6 tickets to this event.*

**Premier Sponsor** Contribution of \$2,500.

- Name and/or logo will be on prominent display
- Name and/or logo will be in the event booklet/ticket
- *Your sponsorship will include 6 tickets to this event*

**Diamond Sponsor** Contribution of \$1,500.

- Name will be on prominent display and in the event booklet
- *Your sponsorship will include 4 tickets to this event*

**Platinum Sponsor** Contribution of \$1,000.

- Name will be on prominent display and in the event booklet
- *Your sponsorship will include 4 tickets to this event*

**"Gold Sponsor"** Contribution of \$750.

- Name will be on prominent display and in the event booklet
- *Your sponsorship will include 2 tickets to this event*

**"Silver Sponsor"** Contribution of \$500.

- Name will be on prominent display and in the event booklet
- *Your sponsorship will include 2 tickets to this event*

**"Bronze Sponsor"** Contribution of \$250.

- Sponsor board and in the event booklet
- *Your sponsorship will include 1 ticket to this event*

**"Friend"** of Heidi Hewes Contribution of \$100.

- Sponsor board and in the event booklet

**"Celebrating"** the Holiday Walk by contributing the following amount: \$\_\_\_\_\_

- Sponsor board and in the event booklet

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**Please make checks payable to: Heidi Hewes WCA**

**Mail to:** Nora Tenney, 1183 N.E. 99th Street Miami Shores, FL 33138

**Contact:** (305) 494-6066 ~ [norabob.tenney@gmail.com](mailto:norabob.tenney@gmail.com)

YOUR RESPONSE IS REQUESTED BY **OCTOBER 26, 2015**



UNIVERSITY OF MIAMI  
MILLER SCHOOL  
of MEDICINE



*Heidi Hewes Chapter  
Woman's Cancer Association  
University of Miami*



*~"Home for the Holidays" Walk and Tour 2015~*

## Sponsorship Level Application

Choose level – check appropriate box

CHECK



<b>House Sponsor</b>	\$ _____ Minimum of \$3,000	<input type="checkbox"/>
<b>Premier Sponsor</b>	\$2,500	<input type="checkbox"/>
<b>Diamond Sponsor</b>	\$1,500	<input type="checkbox"/>
<b>Platinum Sponsor</b>	\$1,000	<input type="checkbox"/>
<b>Gold Sponsor</b>	\$750	<input type="checkbox"/>
<b>SILVER SPONSOR</b>	\$500	<input type="checkbox"/>
<b>Bronze Sponsor</b>	\$250	<input type="checkbox"/>
<b>Friend</b>	\$100	<input type="checkbox"/>
<b>Celebrating</b>	\$ _____	<input type="checkbox"/>

Extra tickets are \$35.00 - # \_\_\_\_\_ amount \$ \_\_\_\_\_

**I would like my sponsorship to be listed as follows on display and in the event booklet:**

\_\_\_\_\_  
Name or Business for mailings: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**Payment Information**      Payment Type:    \_\_\_ Visa    \_\_\_ Master Card    \_\_\_ AMEX    \_\_\_ \*Check

**Total Amount of Check or Charge: \$ \_\_\_\_\_**

Card Number: \_\_\_\_\_ Name on Card: \_\_\_\_\_

Expiration Date: \_\_\_\_\_ Security Code: \_\_\_\_\_ Signature: \_\_\_\_\_

**\*Please make checks payable to: Heidi Hewes WCA\***  
Mail to: Nora Tenney, 1183 N.E. 99th Street, Miami Shores, FL 33138  
Contact: (305) 494-6066 ~ [norabob.tenney@gmail.com](mailto:norabob.tenney@gmail.com)

**YOUR RESPONSE IS REQUESTED BY **OCTOBER 26, 2015** to be in the Event Booklet/Ticket**

Proceeds benefit cancer research at  
Sylvester Comprehensive Cancer Center and UM Miller School of Medicine.



*Heidi Hewes Chapter  
Woman's Cancer Association  
University of Miami*



August 7, 2015

Dear Friends,

Over the past twenty-three years, our friends and neighbors have opened their hearts and homes for the Heidi Hewes Chapter of the WCA's "Home for the Holidays" Walking Tour that has raised a half million dollars for the fight against cancer. This annual event is a local Miami Shores tradition embracing the spirit of the holidays while celebrating the beautiful homes in our neighborhood. This event is made possible by the hard work of our members, the continuous support of our community, and the financial commitment of our sponsors.

The 24<sup>th</sup> Annual Holiday Walk will be held on **Sunday, December 13, 2015**. It is our hope that with your help we will exceed our goal of \$20,000 in sponsorship. Proceeds from your sponsorship benefits cancer research at Sylvester Comprehensive Cancer Center. As a supporter, your commitment will be published in the event booklet and acknowledged on signage during the tour.

The Heidi Hewes Chapter of the WCA is aligned with the University of Miami Miller School of Medicine/Sylvester Comprehensive Cancer Center. Heidi Hewes is a 100% volunteer organization with a mission to fight and overcome cancer by providing funds for cancer research, cancer education and patient welfare.

Please use the enclosed application to determine your level of sponsorship. In order to be included in the event booklet/ticket, your response must be received no later than **October 26, 2015**.

We look forward to having you as a sponsor. Please know that your support is valued and essential to our goal as an organization.

Kindest Regards,

*Nora Tenney*

*24<sup>th</sup> Annual Heidi Hewes Holiday Walk and Tour*

*Sponsorship Chair*

*305-494-6066*

[norabob.tenney@gmail.com](mailto:norabob.tenney@gmail.com)

\*\*\*Note: All donations are tax deductible. Federal # 501 (C)(3) 59-0871128\*\*\*



*Heidi Hewes Chapter  
Woman's Cancer Association  
University of Miami*



August 7, 2015

Dear

Thanks to sponsors like you, the Heidi Hewes Chapter of the WCA has held the "Home for the Holidays" Walking Tour and has raised a half of a million dollars for the fight against cancer. This annual event is a local Miami Shores tradition embracing the spirit of the holidays while celebrating the beautiful homes in our neighborhood. Your Holiday Walk sponsorship helped us raise over \$30,000 in 2014, and contributed to making this Miami Shores holiday event an outstanding success. The event is made possible by the continuous support from our sponsors, community, and members.

The 24<sup>th</sup> Annual Holiday Walk will be held on **Sunday, December 13, 2015**. Proceeds from your sponsorship benefits cancer research at Sylvester Comprehensive Cancer Center. As a supporter, your commitment will be published in the event booklet and acknowledged on signage during the tour.

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Please use the enclosed application to determine your level of sponsorship. In order to be included in the event booklet/ticket, your response must be received no later than **October 26, 2015**.

We look forward to having you as a sponsor again. Please know that your support is valued and essential to our goal as an organization.

Kindest Regards,

*Nora Tenney*

*24<sup>th</sup> Annual Heidi Hewes Holiday Walk and Tour*

*Sponsorship Chair*

*305-494-6066*

[\*norabob.tenney@gmail.com\*](mailto:norabob.tenney@gmail.com)

\*\*\*Note: All donations are tax deductible – Federal # 501 (C)(3) 59-0871128\*\*\*



# Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Discussion regarding landscapers and other service provider registration

**Prepared By:** Heidi Siegel, AICP, Village Manager

**Sponsored By:** Staff

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## **BACKGROUND**

The Village Manager is proposing that the Village Commission consider legislation which would require certain types of residential service providers to register with the Village for a fee.

A survey of other municipalities has shown that this practice is already in place. Some municipalities require cleaning services, lawn services, mobile pet groomers and other services that are operated out of a non-fixed location to register. Other municipalities only require landscaping providers including yard, tree and lawn maintenance to register. Also included in some legislation is the ability for the municipal administration to revoke a permit if fraud or other violations are found.

Such legislation would allow the Village to better enforce Section 6.3.4 of the Code of Ordinance which requires *“all tree trimmers and tree surgeons who are employed by a resident or occupant of any residence ....to remove immediately to a dump or other place designated for refuse, all refuse, cutting or debris resulting from their operation.”*

Based on our observations and interactions between Staff, the Police Department and residents, it is recommended that the Village Commission require all yard, lawn and tree maintenance providers to register with the Village and provide a fee. It is further recommended that Section 6.3.4 be expanded to include “yard and lawn maintenance providers” to maintain consistency in verbiage and assist in enforcement.

## **BUDGET/FISCAL IMPACT**

The recommended legislation would include a fee for each registrant. Other fiscal impacts may be revealed as legislation is further developed.

## **RECOMMENDATION**

Authorize Staff and the Village Attorney to draft an appropriate ordinance.

August 4, 2015

Commission Agenda Report

Discussion regarding landscapers and other service provider registration

## **ATTACHMENTS**

Examples from other municipalities:

- Village of Pinecrest
- Town of Bay Harbor Islands
- City of Largo
- City of Delray Beach
- City of Marco Island
- City of Temple Terrace

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE 6 "ENVIRONMENTAL REGULATIONS" TO INCLUDE "LANDSCAPER REGISTRATION" AND "TREE CUTTING PERMIT REQUIREMENTS," PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Village of Pinecrest (the "Village") has adopted certain tree cutting standards and regulations within the Village; and

WHEREAS, to ensure compliance with those standards, the Village desires to require annual registration of those landscapers intending to trim or cut any trees or plants within the Village; and

WHEREAS, the Village also desires to require landscapers wishing to trim or cut any trees within the commercially zoned district with the Village to obtain a tree cutting permit; and

WHEREAS, the Village Council, sitting in its capacity as the Local Planning Agency, has review reviewed this Ordinance and recommends approval; and

WHEREAS, the Village Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Village's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AS FOLLOWS<sup>1</sup>:

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<sup>1</sup> Additions to this Ordinance are reflected in underline. Deletions to this Ordinance are reflected in ~~strikethrough~~.

**Section 1. Recitals Adopted.** That the above stated recitals are hereby adopted and confirmed.

**Section 2. Village Code Amended.** The Village Council of the Village of Pinecrest hereby amends Chapter 30 of the Code of Ordinances as follows:

## **CHAPTER 30 LAND DEVELOPMENT REGULATIONS**

### **Div. 6.2. Tree preservation and protection.**

\*\*\*

#### (d) Landscaper Registration

For purposes of this section only, the following definitions shall apply:

1. Definitions.

- a. Landscaper shall mean any person, company, corporation or service which does regularly, for compensation or fee, transplant, remove, trim, repair, inject, or perform surgery on a tree or plant.
- b. Trim shall mean to cut away, remove, cut off or cut back any part of a tree or plant.

2. Registration requirements.

- a. Any Landscaper performing work within the Village shall be required to register with the Village manager or the Village manager's designee.
- b. A Landscaper's registration shall be valid for a period of one (1) year from the date of issuance. Registrations are not transferable or assignable to any other person or entity.
- c. Registered Landscapers shall maintain a copy of such registration on site and available for inspection at all times when performing work within the Village.

- d. The Village may revoke or deny renewal of a Landscaper registration if such Landscaper fails to conform to the tree cutting standards prescribed in section (b) above or if found to have committed tree abuse, hatracking, or to have effectively destroyed a tree. In addition to revocation or non-renewal of registration, a Landscaper who violates the provisions of this chapter, shall be subject to the penalties set forth in section (e)3 below.
- e. Landscapers who have been found to have committed tree abuse shall be required to take remedial measures to correct said abuse, as determined by the Village's arborist, including, but not limited to, payment to the tree trust fund for the replacement value of said tree, as set forth in this chapter.
- f. Landscapers performing work within the Village shall have the name as shown on their Landscaper registration clearly marked on each of their vehicles located on site.

(e) Tree Cutting Permit Required

- 1. Any registered Landscaper who wishes to trim a tree located within the commercially zoned district within the Village shall be required to obtain a tree cutting permit prior to performing any tree cutting services within the Village.
- 2. If after review of the permit application, the Village manager, or Village manager's designee, determines that the following criteria are met, then a permit shall be issued:
  - a. Whether cutting the tree is necessary for health of the tree;
  - b. Whether cutting the tree is necessary for safety of public;
  - c. Whether cutting the tree will have a detrimental impact on the tree canopy over U.S. 1.
- 3. Penalties:
  - a. Any person found to be in violation of this Section shall be assessed a fine as specified pursuant to the Village's Schedule of Civil Penalties as provided in Chapter 2, Administration, of the Village's Code of Ordinances, Article V, Code Enforcement, Division 2, Civil Citation Procedures, Section 2-174, Schedule of Civil Penalties.

- b. Any person who is found to be in violation of this Section for a second time within two years shall be assessed a fine as specified pursuant to the Village's Schedule of Civil Penalties as provided in Chapter 2, Administration, of the Village's Code of Ordinances, Article V, Code Enforcement, Division 2, Civil Citation Procedures, Section 2-174, Schedule of Civil Penalties, and shall be prohibited from performing services within the Village for one year from the date of the second violation.
- c. In addition to the assessment of an appropriate fine, if the tree is found to be effectively destroyed and, at the discretion of the Village, in need of replacement, then the violator will be responsible for replacing the tree as set forth in this chapter.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 5. Codification.** It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Pinecrest; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 7<sup>th</sup> day of July, 2015.

PASSED AND ADOPTED on second reading this \_\_th day \_\_\_\_\_, 2015.

\_\_\_\_\_  
Cindy Lerner, Mayor

Attest:

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Guido H. Inguanzo, Jr., CMC  
Village Clerk

Approved as to Form and Legal Sufficiency:

---

Mitchell Bierman  
Village Attorney

Motion on Second Reading by:  
Second on Second Reading by:

Vote:



Stephen R. Olmsted, AICP  
Planning Director  
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: June 30, 2015

TO: Yocelyn Galiano Gomez, ICMA-CM, LEED-GA  
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA  
Planning Director

RE: Village of Pinecrest Code of Ordinances  
Chapter 30, Land Development Regulations  
Registration of Landscaping Professionals

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Subsequent to recent discussion of tree trimming and landscaping adjacent to Pinecrest Parkway (US 1) in the Village of Pinecrest, Mr. Pablo Tamayo, Esq., Weiss Serota Helfman Cole and Bierman, has prepared a proposed ordinance that would require landscape professionals doing business in Pinecrest to register with the Village and further require landscapers and property owners to obtain a tree pruning permit prior to trimming of any trees within the commercial zoning districts adjacent to Pinecrest Parkway.

An ordinance approving the amendments at first reading is scheduled for consideration by the Local Planning Agency (LPA) and Village Council at advertised public hearings on July 7, 2015. The following summary of the proposed ordinance is provided for the Local Planning Agency (LPA) and Village Council's consideration at first reading.

The draft ordinance amends the Village's Land Development Regulations, Article 6, Environmental Regulations, to include new "Landscaper Registration" and "Tree Cutting Permit" requirements. The proposed ordinance requires all landscapers doing business in the Village of Pinecrest to register annually and further requires landscapers to maintain a copy of their registration on site and available for inspection at all times when performing work in the Village.

Landscapers found to be in violation of the tree pruning requirements of the Village's Land Development Regulations would be fined in accordance with the Village's current Schedule of Civil Penalties. Anyone found to be in violation of the Village's tree pruning requirements for a second time within two years would be subject to a fine as provided in the Village's current



Schedule of Civil Penalties and would be further prohibited from performing services within the Village for one year from the date of the second violation.

If the proposed ordinance is approved at first reading, the Building and Planning Department will provide a resolution to amend the Village's Schedule of Civil Penalties to include penalties for trimming trees within the Village's commercial zoning districts without a required permit and to include penalties for commercial landscapers doing landscaping in the Village of Pinecrest without the required registration.

Requiring the registration of landscapers and the issuance of permits for the pruning of trees adjacent to Pinecrest Parkway (US 1) will allow the Village to conveniently provide information and guidance to landscapers relative to the Village's tree pruning requirements at the time of application and will provide commercial landscapers with a strong incentive to comply with the Village's requirements. The proposed ordinance as currently drafted does not require payment of additional permit fees or an annual registration fee.

Sec. 23-4.2. - Permit fees for mobile service occupations in the town.

In recognition of the prevalence and desirability of various service-oriented mobile services, it is hereby specifically recognized that certain mobile service occupations may be undertaken in the RD-Single Family and RE-Multiple Family districts in the Town of Bay Harbor Islands upon issuance of a permit by the town.

All such endeavors in the Town of Bay Harbor Islands shall be regulated as follows:

- (1) *Definition.* "Mobile service occupations" shall mean any activity for which a permit of the town is required by law and which is conducted out of a mobile vehicle or from a temporary or non-fixed location. Such mobile services are contemplated to include by way of example but are not limited to mobile pet groomers, mobile vehicle washers, certain health and fitness trainers and/or physical therapists, providers of medical services and supplies, pest exterminators, vendors of prepared foods and consumable goods at construction sites, etc.
- (2) *Permit required.* It shall be a violation of this Code for any person to conduct a mobile service occupation without obtaining a permit therefore duly issued by the town.
- (3) *Standards.* Prior to issuance of a permit and as continuing operational standards, mobile service occupations shall comply with the following:
  - a. No persons involved in mobile service occupations shall conduct vending activities to the public generally or conduct such activities on public property in the town.
  - b. All persons involved in mobile service occupations are required to be invited by the owner(s) or occupant(s) of one or more specific premises in the town, and must limit their vending activities and/or commercial transactions to those locations.
  - c. The activities of a mobile service occupation shall occur entirely on private property, and entirely within the dwelling unit, where practicable and customary.
  - d. A mobile service occupation shall not create noise, vibration, glare, fumes, odors, dust, smoke, electromagnetic disturbances or waste and trash other than normal household trash and normal recyclables. No equipment or processes shall be used which create visual or audible interference in any radio or television receiver located nearby. No explosives or chemicals or chemical equipment shall be used, except those chemicals that are regularly used for domestic or household purposes, including those chemicals specifically utilized for pest extermination processes.
  - e. Vehicular and pedestrian traffic shall not be generated by a mobile service occupation in a greater volume or a different vehicle type than that of the traffic typical in a residential neighborhood in the town.
- (4) *Affidavit of applicant required.* An applicant for a permit for a mobile service occupation shall at the time of application file an affidavit wherein the applicant:
  - a. Agrees to comply with the standards set forth in this section;
  - b. Agrees to comply with the conditions imposed by the town to insure compliance with such standards;
  - c. Acknowledges that a departure therefrom may result in a suspension or cancellation of the permit; and

- d. Acknowledges that the town shall have the right to reasonably inspect the premises upon which the mobile service occupation is conducted to insure compliance with the foregoing standards and conditions and to investigate complaints, if any, from neighbors.
- (5) *Violation of standards or conditions deemed a Code violation.* Failure by a mobile service occupation to comply with the standards of this section and with the conditions imposed by the town shall be deemed in violation of this Code.
- (6) *Appeals.* An applicant for a permit whose application is denied for failure to meet the standards set forth in this section or who objects to any condition imposed by the town may appeal the reasonableness of either to the town council which may direct that the permit be issued with or without conditions or may modify, add to or delete the imposed condition.

(Ord. No. 574, § 5, 6-12-95)

**Cross reference—** Occupational licenses, taxes and regulations, § 13-1 et seq.



## Local Business Tax Receipt Information

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### *Local Business Tax Receipt*

If your business is located inside the City of Largo, you are required to possess a City of Largo local business tax receipt. The fees for a local business tax receipt are based primarily upon the type of business and the square footage of the business. You are required to complete a local business tax receipt application, and submit it to the City of Largo, at which time a determination will be made on the fees. Fees generally average from \$60 to \$150, but may run higher.

### *Home Office*

If you are operating out of a home office located within the City of Largo, you must complete an Application and Affidavit for a Home Office of Convenience (HOC). For HOC businesses, there is a one-time application fee of \$10, and an average annual fee of \$52. Rules and regulations pertaining to HOCs are included in the Affidavit.

### *Registrations*

**BUSINESS-** Any non-Largo business operating within the City of Largo (e.g., cleaning services, lawn service, etc.) is required to register with the City of Largo. If your business holds a valid local business tax receipt from another local jurisdiction, you must present the valid documentation to the Building Division. If your business does not hold a valid local business tax receipt from another local jurisdiction, then you are required to complete the local business tax receipt application.

**CONTRACTOR-** In order to register your contractor business, please provide the State License, Pinellas County Construction Licensing Board card and Local Business Tax Receipt. If someone other than the license holder is to pick up a permit, then we require a notarized letter of authorization. This letter of authorization can be on your company letterhead.

### *Transferring a Local Business Tax Receipt*

If you are either purchasing a company or transferring ownership, you must present the Bill of Sale, along with the current local business tax receipt, co-signed by both the buyer and seller, to the City of Largo. Transfer fees vary from \$3 to \$25 based on the type and size of the business.

### *Fictitious Name Registration*

If your business name does not contain your first and last name, then you are required by Florida law to register your business name with the State of Florida Division of Corporations. This registration must be completed prior to making application to the City of Largo for a local business tax receipt.

Search...

## Frequently Asked Questions

 [Print \(http://mydelraybeach.com/print/143\)](http://mydelraybeach.com/print/143) [PDF \(http://mydelraybeach.com/printpdf/143\)](http://mydelraybeach.com/printpdf/143)

### **Do I need a license to operate a business in the City of Delray Beach? (#)**

All businesses operating within the City are required to have an occupational license. You can apply for a license at the City's Occupational License office, located in the Development Services Wing of City Hall, 100 N.W. 1st Avenue. There is currently a standard fee of \$156.56 for each type of business license, however, a few exceptions exist. You may speak with the Business Tax Receipt Office for assistance in determining your license fees. Licenses must be renewed annually.

In addition to a City business tax receipt, certain businesses must have licenses from State or County agencies. For example, restaurants require approvals from the State Division of Hotels and Restaurants. Contractors and certain professionals must be licensed by the State. Approvals from other government agencies must be obtained prior to receiving a City occupational license.

Services or businesses that are located in other cities, but conduct work within the City of Delray Beach (e.g. contractors, lawn services, taxi drivers) are not required to have a license from Delray Beach, however, they must register with the Business Tax Receipt Office.

For more information, contact the Business Tax Receipt Clerk at 243-7209

### **What is my zoning and how does it affect my business? (#)**

### **I'm moving my business into an older building. Is there anything I should be aware of? (#)**

### **I need more space for my business and I want to add on to an existing structure. The property owner says it's okay. How do I get started? (#)**

### **The building I'm going into used to be a warehouse. I'm going to open a beauty salon. Do I need to make changes to the building? (#)**

### **Will I have to upgrade my new space for fire code compliance? (#)**

### **Do I need a permit to put up a sign? (#)**

### **I am on a low start-up budget. I've checked into the requirements and there are some improvements needed that the owner is trying to pass on to me. Is there any way to get some of these requirements waived? (#)**

**Is there an agency that can give me information that would help me start my business? (#)**

**I'm in a special historic district. How does this affect my plans? (#)**

**I've heard about impact fees. What are they, and will I be required to pay them before opening a business? (#)**

**This sounds complicated. Do I need an attorney or an architect to help me? (#)**

**I'd like to run my business out of my house. Can I do that? (#)**

**Call us for Help! (#)**

## ARTICLE IV. - MARCO ISLAND LAWN AND LANDSCAPE MAINTENANCE CERTIFICATION REGULATIONS

## Sec. 8-70. - Intent and purpose.

The intent and purpose of this article is to require any person or business entity performing lawn or landscaping maintenance work in the City of Marco Island to possess minimum qualifications and competency that will assist in strengthening and promoting public awareness of the need to engage in certain lawn and landscape maintenance activities and therefore mitigate long-term adverse impacts from stormwater run-off into natural water bodies located in and adjacent to the City of Marco Island.

(Ord. No. 08-15, § 2, 12-1-2008)

## Sec. 8-71. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Landscape architect* means an individual licensed by the State of Florida responsible for the preparation of landscaping plans and design.

*Lawn and landscape professional* means any person who engages in solicitation for the delivery of lawn, landscaping or lawn or landscaping maintenance services.

*Neighborhood service provider* means an individual or business entity, which provides lawn, landscaping or lawn or landscaping maintenance services, which do not require the use of chemicals, fertilizers, or pesticides, to three or fewer property owners.

(Ord. No. 08-15, § 2, 12-1-2008)

## Sec. 8-72. - Exception.

The certification requirement of this article shall not apply to the following:

- (1) Any individual property owner engaging in lawn, landscaping or lawn or landscaping maintenance;
- (2) Any landscape architects licensed by the State of Florida engaging in lawn or landscaping maintenance services;
- (3) Any individual or business entity, which possesses a license from the State of Florida to apply herbicides, pesticides, chemicals;
- (4) A neighborhood service provider; or
- (5) Any individual or business entity possessing a valid specialty contractor's license from Collier County, Florida for the delivery of services such as landscaping, tree removal and trimming, and irrigation.

(Ord. No. 08-15, § 2, 12-1-2008)

## Sec. 8-73. - Regulated activities.

- (a) It shall be a violation of this Code to provide any lawn, landscaping, or lawn or landscaping maintenance services in the city without first being certified as a lawn and landscape professional as provided herein.
- (b) Any lawn, landscape or lawn or landscape maintenance services provided to the city by a lawn and landscape professional shall have at least one supervisor certified by the city as a lawn and landscape professional. In addition, all business entities under contract with the city shall have ten percent of their staff certified by the city as a lawn and landscape professional within six months of entering into a contract with the city; and 50 percent of their staff certified by the city as a lawn and landscape professional within one year of entering into a contract with the city.
- (c) Any lawn, landscaping and landscape maintenance services provided by lawn and landscape professionals within the city shall have at least one supervisor certified by the city as a lawn and landscape professional. These businesses shall at least one supervisor and/or crew leader per vehicle certified by the city as a lawn and landscape professional within one year of adoption.

(Ord. No. 08-15, § 2, 12-1-2008)

Sec. 8-74. - Certification application; contents.

- (1) Except as otherwise provided in section 8-72, all persons before entering into or upon property within the city to perform lawn, landscaping or lawn or landscaping maintenance shall demonstrate knowledge of the relationship between their profession and the environment through both experience and education. Certification shall be based on demonstrated ability experience, and education in the following areas of competency:
  - (a) Effects of the environment from sediment, nutrients, and pesticides moving off-site through surface or ground water.
  - (b) Site design and plant selection to enhance the natural environment.
  - (c) Rates and methods of applying fertilizer and irrigation that minimize negative environmental consequences.
  - (d) Utilization of integrated pest management to both minimize pests and decrease chemical applications.
- (2) A person applying for certification by the city as a lawn and landscape maintenance professional shall provide evidence of completing a course of study from the Rookery Bay National Estuarine Research Reserve, Naples, Florida, or other approved provider, with at least six hours of instruction in the areas identified under section 2. Confirmation of attendance in a three-hour annual refresher course from Rookery Bay National Estuarine Research Reserve, or other approved provider must be provided to the city prior to issuance of a renewal certification.
- (3) A person applying for certification by the city as a lawn and landscape maintenance professional shall illustrate an ability to apply his or her knowledge of the concepts identified herein by providing a written, detailed management plan that outlines maintenance activities to be carried out for a specific location.
- (4) The city shall provide any person who has satisfied the requirement set forth herein and paid the application fee, a certificate indicating the city considers that person to be a certified lawn and landscape maintenance professional.
- (5) The certification program shall be managed and administered by the community development department. However, the city council shall retain the authority to approve certification of any applicant for lawn and landscape maintenance certification.

(Ord. No. 08-15, § 2, 12-1-2008)

Sec. 8-75. - Duration, renewal.

A certification issued under this article shall be valid for one year. Renewals for an additional one-year period may be granted, unless previously issued certificates are revoked as provided in this article. A maximum of two one-year renewals will be granted without submission of a new certification application and without payment of the applicable certification fee. However, prior to receiving a renewed certification, the applicant must update and make any necessary changes needed to the previously submitted certification application.

(Ord. No. 08-15, § 2, 12-1-2008)

Sec. 8-76. - Duty to carry, exhibit certification.

Every certified lawn and landscaping professional shall carry his or her certification and photo identification at all times while engaged in lawn or landscaping maintenance work in the city.

(Ord. No. 08-15, § 2, 12-1-2008)

Sec. 8-77. - Fees.

An initial application fee shall be \$25.00, which shall be used to defray the costs of certificates and other expenses of the program. A fee of \$25.00 shall be charged to renew certification. The application fee may be amended by resolution of the city council as may be necessary.

(Ord. No. 08-15, § 2, 12-1-2008)

Sec. 8-78. - Revocation authorized; grounds.

Certifications issued under this article may be revoked by the city manager or the city manager's designee after notice and hearing for any of the following offenses:

- (1) Fraud, misrepresentation or a false statement in the application.
- (2) Fraud, misrepresentation or a false statement in the performance of lawn or landscaping maintenance services.
- (3) Violation of any condition, provision or qualification provided in the application.
- (4) Conviction, nolo contendere plea or forfeiture resulting from violation of any city, state or federal law involving theft, fraud, violence or moral turpitude.
- (5) Conducting business in an unlawful manner or in such manner as to threaten breach of the peace or menace to public health, safety or welfare.
- (6) Failure to comply with any provision of this article.

(Ord. No. 08-15, § 2, 12-1-2008)

Sec. 8-79. - Notice of revocation.

Written notice of revocation of a certification issued under this article and the grounds therefor shall be mailed or delivered to a certified lawn and landscaping professional at the address specified in its application.

(Ord. No. 08-15, § 2, 12-1-2008)

Sec. 8-80. - Appeal.

Any person aggrieved by the denial of a certification or revocation of a certification shall have the right of appeal to the city council. Such appeal shall be taken by filing with the city manager, within 14 days after notice of the action complained of has been mailed or delivered to such person's last known address, a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant at least five days before the date of said hearing. The decision and order of the city council on such appeal shall be final.

(Ord. No. 08-15, § 2, 12-1-2008)

Sec. 8-81. - Penalties.

Any person or persons, firm or corporation, or any agent thereof, who violates any of the provisions of any section of this article shall be punished by revocation of any certification issued under this article, and other penalties as may be imposed by the code enforcement board pursuant to Florida Law or this Code

(Ord. No. 08-15, § 2, 12-1-2008)

# City of Temple Terrace Application for Solicitation License

**TYPE OR PRINT LEGIBLY – INCOMPLETE APPLICATION WILL BE RETURNED**

Date \_\_\_\_\_

<p>Current Photo here 2x2 Head size from chin to forehead should be 1”</p>
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## Personal Information

Applicant Name \_\_\_\_\_

Applicant Permanent Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone Number ( ) \_\_\_\_\_ - \_\_\_\_\_ D.O.B. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

SS Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Drivers License Number \_\_\_\_\_

Weight \_\_\_\_\_ Height \_\_\_\_\_ Hair Color \_\_\_\_\_ Eye Color \_\_\_\_\_

## Business Information

Description of Business \_\_\_\_\_

Description of Goods and/or Services to be sold \_\_\_\_\_

Number of Days Requesting Permit \_\_\_\_\_ Hours of Operation \_\_\_\_\_

Business Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City, State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Phone ( ) \_\_\_\_\_ - \_\_\_\_\_ Emergency Phone ( ) \_\_\_\_\_ - \_\_\_\_\_

Type of Business \_\_\_\_\_

Total Number of Employees \_\_\_\_\_ Date Business Opened \_\_\_\_\_

Federal Tax I.D. Number \_\_\_\_\_ Type of Ownership \_\_\_\_\_

**City of Temple Terrace**  
**Application for Solicitation License**

Page 2

**Officers**

Title:			
Name:			
Address:			
City, State, Zip Code:			
Phone Number:			
SS Number:			
Date of Birth:			
DL Number:			

**Sworn Affidavits**

As an Applicant for a City of Temple Terrace solicitation license, I swear or affirm that I have/have not been convicted of any crime, misdemeanor, or violation of any municipal ordinance and if so such are listed below. I swear or affirm that I am free of any contagious, infectious, or communicable disease. I certify that the information provided in this application is true and correct and I authorize investigation of all information contained herein.

Violation/Crimes \_\_\_\_\_  
\_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Approval**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Police: \_\_\_\_\_



# Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** August 4, 2015

**Subject:** Discussion of 2016 Legislative Session Priorities

**Prepared By:** Heidi Siegel, AICP, Village Manager

**Sponsored By:** Staff

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## **BACKGROUND**

In recent years, the Village has been successful in obtaining funding through the State of Florida Legislative budget process. This includes historic preservation grant funding, the funding of the new Village Hall and Log Cabin restoration and the funding of a Storm Water Master Plan. There have also been opportunities for Village representatives to lobby on behalf of State Revenue shares and other legislative matters that affect municipalities.

The 2016 Legislative Session will begin in January which is 60-days earlier than recent years. Staff is requesting that the Village Commission set its legislative priorities so that Village representatives may properly prepare for the Session.

The Miami-Dade County League of Cities is also seeking legislative goals from its member cities in order to craft their legislative agenda. The deadline for submittal to the League is August 11<sup>th</sup>.



# Village of Biscayne Park Commission Agenda Report

<b>Village Commission Meeting Date:</b>	<b>August 4, 2015</b>
<b>Subject:</b>	<b>Discussion of Village Board's relation to the Commission and Staff</b>
<b>Prepared By:</b>	<b>Mayor David Coviello</b>
<b>Sponsored By:</b>	<b>Commission</b>

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## **BACKGROUND**

The Village currently has seven active Boards.

Two are quasi-judicial:

- Code Compliance Board
- Planning & Zoning Board

Five are Advisory Boards:

- Code Review Board
- Ecology Board
- Parks & Parkway Advisory Board
- Public Art Advisory Board
- Recreation Advisory Board

Wish to have a discussion regarding the Advisory Board's responsibility to the Commission and their relationship with Staff.