

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE PARKS & RECREATION BUILDING, NAPLES, FLORIDA, ON WEDNESDAY, MAY 2, 1979, AT 9:05 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland (arrived 9:07 a.m.)
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Absent: James E. McGrath
Councilman

Also Present: George M. Patterson, City Manager
David W. Rynders, City Attorney
Roger Barry, Community Development Director
Norris Ijams, Fire Chief
Garry Lester, Traffic Engineer
Randy Davis, Parks & Recreation Director
John McCord, City Engineer
William Savidge, Public Works Director

Reverend Harold B. Brown, Jr.
Harold Yegge
Clayton Bigg
Egon Hill
William Shearston
William Tracy
William Reynolds
Robert Russell
Harry Rothchild
Sam Aronoff
Robert Tiffany
Ben Alexander
Teresa Ciconte
Sue Smith
John Norman
Ted Smallwood
David Markey
Willie Anthony
Roy F. Cowell

News Media: Gary Baranik, Naples Daily News
Elinor Lindeman, TV-9
Paul Stanford, TV-9
Frank Rinella, Naples Star
Allen Bartlett, Fort Myers News Press
Joseph Starita, Miami Herald
Mark Johnson, WBBH-TV
Tom Lowe, WBBH-TV
Jerry Arnold, WRGI

Other interested citizens and visitors

Mayor Anderson called the meeting to order; whereupon Reverend Harold B. Brown, Jr., of the East Naples United Methodist Church gave the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of minutes

Mayor Anderson called the Council's attention to the minutes of Workshops held on February 20, 1979; March 6, 1979; March 20, 1979; April 3, 1979 and April 17, 1979; whereupon Mr. Thornton moved acceptance of the minutes as presented, seconded by Mr. Schroeder and carried by consensus. Mayor Anderson then called Council's attention to the minutes of the Regular Meeting of April 18, 1979; whereupon Mr. Twerdahl moved acceptance of the minutes as presented, seconded by Mr. Schroeder and carried by consensus.

AGENDA ITEM 4. PUBLIC HEARING: And recommendation of Planning Advisory Board regarding Special Exception Petition #79-S1; to permit one residential unit on the 2nd floor of a proposed commercial building, 360 Twelfth Avenue South.

Mayor Anderson opened the Public Hearing at 9:07 a.m. and noted the presence of Mr. Reynolds, the petitioner. Mr. Reynolds stated he had nothing to add to the material Council had received on the matter. City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT CONSTRUCTION OF ONE RESIDENTIAL UNIT ON THE SECOND FLOOR OF A PROPOSED COMMERCIAL BUILDING LOCATED AT 360 TWELFTH AVENUE SOUTH, NAPLES, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO MODIFICATION OF THE PARKING AS SHOWN ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:10 a.m.; whereupon Mr. Schroeder moved adoption of Resolution 3246, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 5. PUBLIC HEARING: Second reading of ordinance.

An ordinance amending Article III of Chapter 23, of the Code of Ordinances of the City of Naples, relating to stopping, standing and parking of vehicles, by adding a new Subsection (j) to Section 23-9 thereof, prohibiting the stopping, standing and parking of any vehicle in any area designated as a fire lane; and by amending Section 23-12.2, providing penalties for violation of said Article III; and providing an effective date. PURPOSE: To prohibit the stopping, standing or parking of any vehicle in any area designated as a fire lane and to prescribe penalties for violation thereof.

Mayor Anderson opened the Public Hearing at 9:11 a.m.; whereupon City Attorney Rynders read the above captioned ordinance by title for Council's consideration on Second Reading. Mr. Wood suggested an amendment to permit stopping a vehicle to load or unload a handicapped person. Egon Hill spoke in support of this amendment and the City Attorney offered suggested language for the amendment, "except for the purpose of loading and unloading handicapped passengers". There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:15 a.m. Mr. Wood moved adoption of Ordinance 3247, as amended, on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 6. Recommendation of Consultant Selection Committee - Multi-purpose Center, Fleischmann Park. Requested by City Council.

City Attorney Rynders read the below referenced resolution by title for consideration by Council.

A RESOLUTION CERTIFYING THE FIRMS HEREINAFTER NAMED AS BEING QUALIFIED PURSUANT TO LAW AND THE REGULATIONS OF THE CITY OF NAPLES TO PERFORM PROFESSIONAL SERVICES RELATIVE TO THE DESIGN/CONSTRUCTION OF A MULTI-PURPOSE CENTER; SELECTING SAID FIRMS IN ORDER OF PREFERENCE, PURSUANT TO THE CONSULTANTS' COMPETITIVE NEGOTIATION ACT; AND PROVIDING AN EFFECTIVE DATE.

John McCord, City Engineer reviewed his memo to the City Manager dated April 24, 1979 (Attachment #1) which recommended a ranking of the firms interviewed. Mr. Roy F. Cowell, Vice-president of Stottler Stagg & Associates addressed Council outlining the services his company would be able to supply. Mr. Holland moved adoption of Resolution 3248, seconded by Mr. Thornton and carried on roll call vote, 6-0

Council then negotiated with Mr. Cowell on the fee to be paid his company for the design/construction of the multi-purpose center. Mayor Anderson asked for a recess in order to clarify the figures they were discussing.

Let the record show that Mayor Anderson recessed the Council meeting at 10:06 a.m. and reconvened it at 10:20 a.m. with the same members of Council present.

Mr. Cowell answered in the affirmative Mayor Anderson's inquiry about the City receiving reproducibles upon receipt of a "hold-harmless" clause from the City. After further negotiations, Mr. Twerdahl moved to approve Resolution 3249 in the amount of \$21,295.00 with Stottler Stagg & Associates, seconded by Mr. Schroeder. The City Attorney noted that the figure did not include the reimbursables. After further discussion, Mr. Twerdahl amended his motion to approve Resolution 3249 in the amount of \$23,000.00 with Stottler Stagg & Associates, the figure to include all charges, seconded by Mr. Schroeder. City Attorney Rynders read the below titled resolution by title for Council's consideration including the figure \$23,000 and the name of Stottler Stagg & Associates.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH THE FIRM HEREINAFTER NAMED TO PERFORM PROFESSIONAL SERVICES RELATIVE TO THE DESIGN/CONSTRUCTION OF A MULTI-PURPOSE ACTIVITY CENTER; AND PROVIDING AN EFFECTIVE DATE.

Motion carried on roll call vote, 4-2 with Mr. Holland and Mr. Wood voting no.

AGENDA ITEM 7. First reading of ordinance.

An ordinance repealing Ordinance No. 2856 which established a pension and retirement system for police officers of the City of Naples, and substituting the within ordinance therefor, establishing a pension and retirement system for police officers of the City of Naples to be known as the "City of Naples Police Officers' Retirement Trust Fund", providing definitions for the words and phrases used herein, creating a Board of Trustees for the operation of said pension and retirement system, setting forth the powers and duties of said Board; providing for the maintenance of said fund; providing for the keeping of records, accounts, disbursements, deposits, contributions and actions of said Board of Trustees; providing for normal retirement, early retirement and optional forms of retirement; providing death benefits or refund of contributions in event of separation from municipal service; repealing all ordinances

or parts thereof in conflict herewith to the extent of such conflict; providing a savings clause and an effective date. PURPOSE: To provide various changes in the police officers' pension and retirement system. Requested by Police Officers' Retirement Board.

Mr. Thornton moved to remove this item and Agenda Item 8 from the Agenda, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 8. A resolution approving a deposit administration contract with Travelers Insurance Company, a rider to become a part of Group Annuity Contract No. GR-1204, discontinuing the deferred annuity contract and a proposed retirement plan by Travelers Insurance Company, all of which relate to the City of Naples Police Officers' Retirement Trust Fund; authorizing the trustees of said fund to execute the necessary documents to effect same; and providing an effective date. Requested by Police Officers' Retirement Board.

Removed from the Agenda (see above - Agenda Item 7).

AGENDA ITEM 9. Resolution appointing a member to City of Naples Planning Advisory Board. Requested by Mayor Anderson.

Mayor Anderson reviewed the "viva voce" method of selecting an appointee as cited in Robert's Rules. Mr. Twerdahl nominated Harold Yegge and Mr. Holland nominated Sam Aronoff. Roll call vote on Mr. Yegge tallied 4-2 giving him the first majority. City Attorney Rynders read the below captioned resolution by title and added the name of Harold Yegge for Council's consideration.

A RESOLUTION APPOINTING A MEMBER TO THE PLANNING ADVISORY BOARD TO FILL THE VACANCY CREATED BY THE EXPIRATION OF THE TERM OF EUGENE PRATT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved to adopt Resolution 3250, seconded by Mr. Schroeder and carried on roll call vote, 6-0. Mr. Yegge addressed Council acknowledging the appointment. Mr. Twerdahl inquired about the suggestions made at the Workshop regarding enlarging the Planning Advisory Board or creating alternate memberships and Mayor Anderson directed the City Manager to investigate this line of thought and bring back recommendations to the Workshop scheduled for May 15.

AGENDA ITEM 10. Resolution appointing members to City of Naples Contractors' Examining Board. Requested by Mayor Anderson.

Mayor Anderson noted there had been only one applicant to fill the architect's vacancy on this Board, William Tracy. Mr. Holland suggested staggering the terms rather having them all expire at the same time. Consensus of Council was to study this during the coming year. Mr. Twerdahl moved to adopt Resolution 3251 appointing Mr. Tracy to the Board and re-appointing the balance of the Board members, seconded by Mr. Thornton. City Attorney read the below captioned resolution by title for consideration by Council.

A RESOLUTION APPOINTING MEMBERS TO THE CONTRACTORS' EXAMINING BOARD; AND PROVIDING AN EFFECTIVE DATE.

Motion carried on roll call vote, 6-0.

AGENDA ITEM 15. Purchasing: Construction of concrete or precast sewage pumping station - Public Works Yard - bid award.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AWARDING BID FOR CONSTRUCTION OF A SANITARY SEWER PUMPING STATION AT THE PUBLIC WORKS COMPLEX; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3254, seconded by Mr. Schroeder and carried on roll call vote, 5-0 with Mr. Holland being absent and not voting.

CORRESPONDENCE & COMMUNICATIONS

City Manager Patterson reviewed some of the proposed legislation listed in the Datagram dated April 27, 1979 and asked Council's direction for correspondence to be sent to the Legislative Delegation supporting or opposing each item discussed. (Attachment #2) Mr. Thornton requested that a letter be written over the Mayor's signature re-affirming the City's request for the State to pass a resolution asking for a National Constitutional Convention.

Let the record show that Mr. Holland returned to Council Chambers at 12:08 p.m.

REPORT ON MC DONALD'S QUARTERS PROBLEM

City Attorney Rynders reported on the meeting he attended with Dr. Cox of the County Health Department and Carl McDonald, son of the owner of McDonald's Quarters, his attorneys and an attorney from the State Attorney's office. He stated that Mr. McDonald was willing to terminate the leases of all the residents of McDonald's Quarters and destroy all the shacks, rather than to spend the money necessary to improve them to meet the Health Department standards. He noted that Dr. Cox was agreeable to this suggestion, but he pointed out that it created a legal problem with the City because of the contract Mr. McDonald has with the City for the City to buy the shacks, sale to be complete about December 1980. Attorney Rynders stated that he had taken the position that destroying the shacks at this time would be a hardship on the residents since the replacement housing would not be ready for quite some time. Consensus of Council was not to take any action or position until the results of the court hearing scheduled for Thursday, May 3, were known. Mr. Willie Anthony addressed Council and suggested that the City Attorney be present at the Court Hearing. Attorney Rynders responded that the City was not a party to the hearing and suggested that Mr. Anthony contact the Health Department to impress on them the need to maintain this housing until the replacement housing is available and to ask them not to agree to the razing of the shacks. Harry Rothchild spoke to Council and expressed his concern for the problems that would be created if McDonald terminated the leases and destroyed the shacks after 90 days.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 12:46 p.m.

R. B. Anderson

R. B. Anderson, Mayor

Janet Cason
Janet Cason
City Clerk

Ellen P. Marshall
Ellen P. Marshall
Deputy Clerk

These minutes of the Naples City Council were approved on 05-16-79.

AGENDA ITEM #6

5/2/79



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940



Engineering Memo #79-73

TO: George Patterson

FROM: John McCord *JMM*

DATE: April 24, 1979

REFER: Proposed Multi-Purpose Activity
Center Consultant SelectionSUBJ: Consultant Ranking Recommendation/
Request for City Council Agenda Item

On April 24th the Council appointed Consultant Selection Committee comprised of Randy Davis, Roger Barry and myself met for the purpose of interviewing and ranking those firms who had indicated an interest in the project. The Committee heard presentations and questioned three firms, Mario LaMendola, Stottler Stagg & Assoc., and Tracy & Associates.

Based on the information presented, as well as responses to the questions put forth, the Committee voted the following ranking in order of preference:

- No. 1: Stottler Stagg & Assoc.
Cape Canaveral, Florida
- No. 2: Tracy & Assoc., Inc.
Naples, Florida
- No. 3: Mario LaMendola
Naples, Florida

It is recommended that City Council accept the recommendation of its Committee and in accordance with Florida Statutes Chapter 287.055, "Consultants Competitive Negotiation Act," enter into

George Patterson
April 24, 1979
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contract negotiations with the No. 1 ranked firm for the furnishing of all Professional Services necessary for the design/construction of the Project. These services should include site investigation, site planning, landscaping, building design, site parking and drainage design, bid document preparation, construction quality control and contract administration.

It is estimated that the above services will entail expenditures in the neighborhood of 15 to \$17,000. For your general information the public advertisement for Professional Services indicated a desire on the City's part to contract on the basis of a negotiated Not To Exceed Price with payments based on documented invoices for actual time and materials expended.

In the event Council is unable to negotiate a contract for services with the No. 1 ranked firm of Stottler Stagg & Assoc., please be advised that the No. 2 ranked firm of Tracy & Associates has been requested to be in attendance during the Council Meeting.

In conclusion, it is respectfully requested that some form of "Guidance Committee" be established for the project. This would, it is believed, insure that the end product of the consultant's design efforts meet our desires for the facility within the budget established.

JRM:sdm

Encl: (1) Copy Public Advertisement
(2) Brochures, Tracy & Assoc.
(2) Brochures, Stottler Stagg & Assoc.
(2) Brochures, Mario LaMendola

xc: Dave Rynders
Randy Davis
Roger Barry

OFFICIAL NEWSLETTER OF THE
FLORIDA LEAGUE OF CITIES, INC.

228 W. Jefferson St. - P. O. Box 1787, Tallahassee, Florida 32302 - 904/222-8094

LEAGUE REPRESENTATIVES, Ray Sittig, Claudio Mullis and Alyca Whitson, can be reached at the Capitol Messaga Center during the Legislative Session. Make your call person-to-person and your call will be returned as soon as possible.

TELEPHONE 904/222-2438

Current status of any bill can be obtained by dialing toll-free:

1-800/342-1827

Please have the number of the Bill you are inquiring about when you call this Legislative number. Do NOT use this number to ask for information on articles in this Bulletin.

DATAGRAM...

VOL. VI, NO. 11



LEGISLATIVE BULLETIN

PREVAILING WAGE - At midnight, Tuesday, April 24th, the Bill repealing the Florida Statute requiring that prevailing wages be paid to labor on public contracts became law without the Governor's signature. A copy of the Bill was sent with last week's Bulletin. The effective date of this Act is April 24, 1979; however, for contracts entered into prior to this date, the prevailing wage remains in effect for 24 months. This repeal should substantially reduce public construction costs and cities should review their pending contracts for such impact. The Federal Davis-Bacon Act remains in effect for projects using Federal funds. Cities should review the possibility of using locally derived funds for construction, rather than Federal funds, to escape these artificially established labor rates. A note to all Legislators, and the Governor, for adopting this repeal would be an excellent gesture. (See last item on back page for additional information.)

support
SALES TAX ON PUBLIC WORKS MATERIALS - The Law currently requires local governments to pay the State 4% sales tax on materials purchased by the contractor in public construction projects. Since this tax is included in the total cost of the project, cities often bond such costs and, in effect, cities borrow funds in order to pay the State sales tax. We are attempting to remove this requirement with the help of Reps. Dyer, McPherson and Hector in the House and Senators Stuart and McKnight in the Senate. We are hopeful this relief to local taxpayers will be included in the general tax relief program under consideration by the House and Senate. PLEASE CONTACT YOUR SENATORS AND REPRESENTATIVES IMMEDIATELY TO SUPPORT REPEAL OF THIS EXPENSIVE AND UNNECESSARY REQUIREMENT TO PAY STATE SALES TAXES ON MATERIALS USED IN PUBLIC WORKS CONTRACTS. PROVIDE SPECIFIC EXAMPLES OF RECENT PROJECTS IN YOUR CITY. SEND COPY TO THE LEAGUE.

ANNEXATION - HB 402, after passing the House, still has not been scheduled for hearing in the Senate Committee on Economic, Consumer and Community Affairs. The Session is now nearly half over and each day of delay is critical. Attached to this Bulletin is an outline of the procedures for Annexation if this Bill became Law. Please review this process and redouble your efforts to convince your Senators that this is a responsible procedure to remove the Annexation procedures from the political and emotional arena to a regional and objective method. If the Bill dies - it will be from our neglect and the current haphazard urban sprawl growth patterns will continue. You League voted this issue as a priority item and a deluge of mail and telegrams are essential at this time. Urge your citizen groups such as civic clubs, chambers of commerce and voter leagues to also support this Bill.

DOUBLE TAXATION - HB 1568 relating to the double taxation issue passed the House with only one dissenting vote last week. A copy of the Bill was sent with last week's Bulletin. Our appreciation to Rep. Jim Watt who handled the Bill on the Floor of the House. We anticipate an early hearing in the Senate Committee.

FINANCIAL RESPONSIBILITY - HB 1046 passed the House and a copy has been sent to each city. That Bill was incorporated into an Omnibus Bill in the Senate as introduced by Senate President Phil Lewis. The Senate Bill is very comprehensive and requires post-audits of all local governments; requires the Auditor General to provide performance audit of the financial reporting system; prescribes standards for actuarial reviews of local pension plans; requires local government financial reports; requires submission of bonded debt information; provides procedures for declaring local government financial emergencies (HB 1046) and authorizes the Auditor General to review local financial systems and accounts. In its filed form, SB 592 also provided sanctions for failure to comply with the various sections of the Act by withholding payment of funds due local governments from the State. Your League expressed concerns over several provisions of the Bill, including the sanctions, and our comments were received in a favorable atmosphere. We are meeting next Monday morning with Senate Ways and Means Staff to try and resolve many of the issues. City officials can assume that a strict and comprehensive reporting system on all local finances will be passed this Session. Leadership in both Houses have indicated this is high priority and our role is to help devise legislation that will be workable and not unnecessarily burdensome on local governments.

CONSULTANTS NEGOTIATION - With strong support from the Broward League of Cities, the House Transportation Committee adopted a Committee Bill to rework the procedures in selecting and negotiating with consultants. Engineering and architectural organizations opposed the Bill. The Committee Bill provides that all firms qualified to do a project submit a proposal and a sealed cost estimate. The city would then evaluate the proposals on the basis of technical merit and competency and determine acceptability. The cost estimates on acceptable proposals are then analyzed. On innovative-type projects, the lowest bid is not required to be accepted and the agency may then negotiate costs with acceptable firms. The city would retain the right to refuse all bids. Copies of the Bill are available from our office or the House Committee on Transportation.

TRAFFIC SIGNALIZATION - The House Transportation Committee also introduced a Committee Bill to equalize costs involved in the installation and maintenance of traffic signals on State, County and Municipal Roads. This Bill will allocate such costs on a street or road "lane" basis and will remove the obligation for local governments to bear all such costs on State or County Roads within the city. Your League has been working on this equity issue for several years and feels this is an excellent Bill. Legislators should be contacted to strongly support this Bill.

opposed
QUALIFICATIONS OF CITY GOVERNING BODY -- The Committee on Ethics & Elections is considering PCB 20, which would provide that a candidate for membership on the city commission or governing body of a municipality shall, at the time he qualifies for office, be a resident of the municipality from which he qualifies, an owner of real property within the municipality, or own or operate a business within the municipality. The Committee heard this proposed Bill on April 26, amended it to require that a person qualifying for such office be a resident of the county and temporarily passed it for a later hearing. This Bill has many ramifications to it. A similar Bill has been introduced in the Senate by Senator Dunn (SB 1047). This Bill does not require a candidate to be a resident of the county, not even the state. Let your Legislator know how you feel about these Bills.

opposed
ZONING RESTRICTIONS PROHIBITED -- The Committee on Health & Rehabilitative Services reported favorably HB 981 (Sheldon) and HB 1236 (Batchelor), both of these Bills provide that "group homes", "foster homes", "homes for the emotionally disturbed", etc. may be located in any residential area in the State and prohibits local government from zoning so as to exclude their location in any residential area. We opposed these Bills and will continue to do so. The Bills also provide that any covenants or restrictions running with the land that would prohibit their location in any residential area are null and void, which presents a serious Constitutional question.

RETIREMENT -- PUBLIC SAFETY OFFICERS -- HB 698 (Committee on Retirement, Personnel & Collective Bargaining) has passed the House. The Bill provides that public safety officers who were formerly ineligible to participate in the Chapter 175 or 185 municipal retirement pension fund will be eligible to participate in the distribution of those funds under Chapter 175 or 185. The Bill provides that all public safety officers who are certified as of October 1, 1979, as participating in the Chapter 175 or 185 pension programs, shall continue in those programs, however, after October 1, 1979, all public safety officers shall be eligible to participate only in the Chapter 185 Municipal Police Officers Fund. In addition, the Bill amends the definition of firefighters to require that all firefighters participating in the Chapter 175 Municipal Retirement Program will have to be certified as a condition of employment in accordance with the provisions of Section 633.35. In addition, no municipality shall establish more than one retirement plan for public safety officers nor shall it establish a retirement plan for public safety officers which receives premium tax funds from both Chapter 175 and 185.

COLLECTIVE BARGAINING -- The House Retirement, Personnel and Collective Bargaining Committee has adopted CS/HB 468, which provides that the PERC may impose a fine of up to \$5,000 for violations of bad faith bargaining, mandatory attorney fees, and a mandatory fine of \$100 - \$500 per day imposed by the circuit court if it finds the party charged has not complied with PERC's cease and desist order. All fines to be paid to PERC to be distributed to the employees in the unit based on a plan approved by PERC or to the employer's general fund should they prevail.

opposed
PERC LOCAL OPTION PROVISION -- The House Personnel and Collective Bargaining Sub-Committee has adopted HB 517 (Rep. Gersten), which would have abolished the local option PERC pension, was amended to require local PERC's to have appointees selected by employer and employee organizations in equal numbers and they appoint the odd number member who shall be chairman.

ACCESSIBILITY OF PUBLIC MEETINGS -- HB 504 (Rep. Mills), which decreases the 7-day notice requirement for accessibility of public meetings by the physically handicapped to at least 48 hours prior to the meeting, passed the House.

UNEMPLOYMENT COMPENSATION

The House Commerce Committee has adopted PCB No. 18 which incorporates several bills including HB 1088 (Reps. Easley and Mann), which requires the State and not the political subdivision to pay for claims wrongfully paid due to their error. The Bill extends the time for appealing the initial determination of a claim from 10 to 20 days. It requires that the political subdivision be notified before a claim is paid and be given an opportunity to respond. It also includes HB 149 (Rep. Danson), which further defines and disqualifies a claimant for misconduct. In addition, it provides that after the effective date of the Act, if a city is over 120 days delinquent in paying reimbursements due to the fund, the Division of Employment Security, after a public hearing, shall request the Dept. of Revenue to deduct that amount from the city's revenue sharing or any other state revenues due to the city.

The House Commerce Committee adopted HB 1449 (Rep. Gersten), which increases the unemployment compensation weekly benefit maximum amount from \$92 to \$95 per week. We are opposing this increase because of the additional cost to local governments.

WORKER'S COMPENSATION -- The Legislature has passed the Conference Committee Report for CS/SB 188, which provides for a system of wage loss in the area of permanent partial disability calculated as 95% of the difference between 85% of the employee's wages before the injury and his post injury wage not to exceed 66-2/3% of his average monthly wage at the time of injury. It provides impairment benefits for amputation, vision loss, or serious facial or head disfigurement would be in addition to wage loss and is calculated at \$50.00 for each percent of impairment between 1% and 50% and \$100 a percent in excess of 50%. It provides for a termination of wage loss. In addition, beginning with the 25th month after maximum medical improvement, it provides that total wages shall be discounted by a factor of 3% for injuries between 7/1/79 and 7/1/80, 5% for injuries after 7/1/80 or the current rate of inflation, whichever is less. Impairment schedule is determined by the division. In permanent total disability, the Bill increases the benefits from 60% to 66-2/3% of the employee's average weekly wage up to 100% of the state average weekly wage. The Bill requires that the worker not be able to engage in any gainful employment and precludes receiving both workers compensation for total disability and unemployment compensation. In the area of temporary total disability, it would increase the weekly benefits from 60% to 66-2/3% of average weekly wage. In temporary partial disability, the Bill would provide benefits based on actual wage loss at 66-2/3% of wage loss. The Bill raises the cap on benefits to 100% of the state average weekly wage. And also abolishes the Industrial Relations Commission and a claimant shall be responsible for his own attorneys' fees except for a successful claim for medical benefits only.

opposed 5-15
CATV AUTHORITY TO SET RATES -- HB 892 (Dunbar) prohibiting cities from setting rates for CATV passed the House this week and was sent to the Senate and received in House messages April 25. The Senate Companion SB 641 is in the Economic, Community and Consumer Affairs Committee and could be on the agenda for its meeting, Tuesday, May 1. Cities concerned about the loss of this authority should contact their Senator immediately requesting they oppose this SB 641 and HB 892.

INSTITUTE OF GOVERNMENT -- CS/HB 469 (Ball, Burnsed & Morgan) creates the Institute of Government in the State University System to provide training, technical assistance and applied research for state and local units of government. The Institute will be guided by a policy council made up of one half university representatives and one-half state and local public administrators. The Bill passed the House Appropriations Committee on Thursday, by a vote of 24-2 and will now go on the House Calendar. Speaker Brown and the League are supporting the Bill along with the Florida City and County Management Association; the State Association of County Commissioners; and the Board of Regents.

NOTICE-AFFECT OF PREVAILING WAGE LAW ON CURRENT BID SPECS -- The Legal Staff has received calls concerning what to do about specifications for bids which were being advertised prior to the effective date of the law. Our opinion is if bids have not been received, to immediately distribute an addendum to the specifications delating that provision therefrom. If bids have been received, but contract has not been awarded, bids could be rejected and readvertised.