



# City of Naples

City Council Minutes  
Special Meeting May 1, 1985

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<p><u>DISCUSSION/ACTION REGARDING CITY'S POSITION CONCERNING BILLS BEFORE THE FLORIDA LEGISLATURE</u></p>			1&2



COUNCIL  
MEMBERS

M O T I O N	S E C O N D	VOTE		A B S E N T
		Y E S	N O	

DISCUSSION/ACTION REGARDING CITY'S POSITION CONCERNING  
BILLS BEFORE THE FLORIDA LEGISLATURE (Cont)

transfer development rights to Tallahassee by the State controlling local Comprehensive Plans. He also noted a proposed shift in regional powers from the Regional Planning Councils to, for example, the Water Management Districts whose personnel are appointed by the Governor. He said he felt that this was a power grab by the state. It was the consensus of Council for Mayor Billick to write a letter indicating support or opposition to the bills discussed.

Lana Beach was present to address Council with reference to a proposed revision in the living will provisions. City Attorney Rynders explained that the Legislature had passed a bill in 1984 allowed individuals to sign a living will that would authorize physicians to remove artificial life support systems when it was clear a patient was totally dependent upon them. He further explained that this did not include a provision to withhold artificially administered sustenance and that doctors are still therefore obligated to use such measures as tube feeding. He noted that House Bill 357 would also prohibit artificial tube feeding and added that if a patient were comatose, the family could make the decision. Mrs. Beach stated that her doctor had told her she had a limited time before she might have to make this decision, but that if she signed a living will, he would be obligated to use tube feeding to sustain her. She expressed her opinion that many people were misled about this provision in the present law and asked the Council's support for the proposed legislation. Dr. Schwartzberg, a member of the audience who practices medicine in the state of New York, addressed Council in support of the proposed legislation. He noted that he been faced with this unhappy situation at times and appreciated clear direction in the form of such legislation. City Attorney Rynders noted that under the proposed legislation, artificial feeding could be eliminated along with other artificial life support measures, but a patient would be fed as long as natural ingestion of food was possible. It was the consensus of Council to have a letter written in support of this legislation.

Mayor Billick noted that Council should have an in-depth discussion concerning the proposed "bed-tax" or tourist tax and take a position on it before it goes to referendum.

ADJOURN: 9:52 a.m.

*Janet Cason*  
Janet Cason  
City Clerk

*Stanley R. Billick*  
Stanley R. Billick, Mayor

*Ellen P. Weigand*  
Ellen P. Weigand  
Deputy Clerk

These minutes of the Naples City Council approved 05/15/85

## Supplement Attendance list - Special Meeting, May 1, 1985

Egon Hill  
Jack Amaral  
Lana Beach

Robert Russell  
Robert Galloway

Dr. & Mrs. J. Schwartzberg  
Tish Gray

## News Media

Ed Solberg, TV-9  
Mary Armbruster, WEVU TV-26

Margaret Minarich, Naples Star  
Chuck Curry, Naples Daily News

Other interested citizens and visitors.

# DATAGRAM...

April 26, 1985

Vol. 12, No. 15

P.O. Box 1757

Tallahassee, Florida 32302-1757

✓  
C. Dept. H.  
Crawford

reached at the Capitol message center during the Legislative Session. Make your call person-to-person and your call will be returned as soon as possible. (904) 222-2438

Current status of any bill can be obtained by dialing toll-free between 8:00 a.m. and 5:00 p.m. 1-800-342-1827

or at the League office toll-free between 9:00 a.m. and 5:00 p.m. 1-800-342-8112 or SUN-COM 720-5010

HB - House Bill  
SB - Senate Bill  
HS/SB - Companion Bills  
CS - Committee Substitute  
PCB - Proposed Committee Bill

## Legislative Bulletin

### STATE-MANDATED ZONING FOR GROUP HOMES

HB 1174 (Community Affairs) and SB 1099 (Fox) - HB 1174 has been amended but still will allow six developmentally disabled persons to live with up to two staff in a single-family residential neighborhood. It allows 16 people with three staff in all multi-family classifications. HB 1174 was debated by the full House last week. The bill is ready for final passage, and it now will take a two-thirds vote to amend it. During debate several amendments supported by the League of Cities were offered by Reps. Bolley Johnson, Armstrong, Shackelford and others. The Bolley Johnson amendment struck the entire bill and inserted three pages of language that basically said that no state agency, county or municipality shall discriminate against people who are: elderly, physically disabled, developmentally disabled, non-dangerous mentally ill or dependent children in their housing and zoning regulations and ordinances. This was a reasonable compromise. However, the amendment failed 70-45. Later a key vote was taken on the Shackelford amendment which exempted certain cities from the bill if they had properly planned for group homes in their comprehensive plans as required by a 1980 state law. The amendment was added to the bill early in debate but later was removed by a vote of 59-52.

Special thanks to Bolley Johnson, Armstrong, Watt, Tobin, Shackelford and Woodruff. **Urge your House Members to vote "yes" to exempt single-family zoning classifications from the bill or to vote "no" on final passage of the bill.**

SB 1099 (Fox) still will allow eight people with up to two staff in single-family classifications and 16 people with three staff in multi-family classifications. SB 1099 will be heard by the Senate Committee on Health and Rehabilitative Services this week, and if adopted, then will go to the Senate floor for full debate. Members of the above Senate committee are: Fox (chairman), Malchon, Castor, Gordon, Grizzle, Mann, Meek and Myers. **Contact your senators and urge strong opposition to SB 1099. (M. Sittig)**

**CIGARETTE TAXES** - HB 63 (Jones) and CS/SB 99 (Crawford) - current law provides for cities to receive 13/21 of the state's cigarette taxes. Eleven of the 21 cents goes into Municipal Revenue Sharing and two of the 21 cents goes into the Municipal Assistance Trust Fund. Indians who sell cigarettes are exempt from this tax. CS/SB 99 would repeal this exemption for the sale of cigarettes by Indians to non-Indians only, as will HB 63. This will raise \$8.4 million for cities in the first year. We have revenue figures for all cities, but some examples are: Panama City, \$44,000; Gainesville, \$103,000; Palm Bay, \$22,000; Margate, \$46,000; Jacksonville, \$270,000; Vero Beach, \$15,000; Leesburg, \$14,000; Greenacres City, \$19,000. CS/SB 99 will be heard by the Senate Finance & Taxation Committee this week and HB 63 will be heard by the Alcoholic Beverage Subcommittee of Regulated Industries. **Contact your legislators and urge strong support for these bills. Special thanks to the governor, Sen. Crawford and, as usual, Rep. Fred Jones. (M. Sittig)**

**DEVELOPMENTS OF REGIONAL IMPACT** - CS/SB 441 (Stuart & Senate Natural Resources). This bill which revamps DRI process contains provisions which allow for increased standing in the LGCPA process and also limits number of amendments to Comprehensive Plan. On agenda in Senate ECCA for April 29. We **oppose** the two provisions related to the LGCPA. (J. Wolf)

### UTILITY TAXES ON TELEPHONE SERVICE

SB 582 (Margolis) and House PCB 85-19 (Finance & Taxation) were debated and passed by their respective committees last week. Thanks to Sen. Margolis and the many city officials who called their senators, we are gaining support in the Senate; however we still need much help in the House.

SB 582 (Margolis) allows cities, if they so choose, to lower the utility tax rate on telephone service to 5 percent and allows this rate to be levied on an expanded base including long-distance calls. It would increase the taxing capacity for Florida cities by about \$30 million a year. This bill was debated and adopted unanimously by the Senate Commerce Committee. It will now go to the Senate Finance & Taxation Committee. Members of that committee are: Crawford (chairman), Weinstein, Carlucci, D. Childers, W.D. Childers, Jennings, B. Johnson, Kiser, Malchon, Margolis, McPherson and Plummer.

**Phone your senators and urge them to support SB 582 and allow cities to recapture revenues lost due to phone deregulation and the AT&T divestiture.**

House PCB 85-19 (Finance & Taxation) expands the tax base of telephone services that the 10 percent utility tax can be levied against, but it excludes long distance calls and only increases the total municipal taxing capacity by a small amount. Rep. Watt offered amendments for the League that would have further expanded the base or increased the rate to 12 percent. Both failed on voice votes. The bill passed the Finance & Taxation Committee without substantive amendments and now will probably go to the House Appropriations Committee because it increases the state's revenue by about \$50 million.

**Phone your House members and urge that Finance & Taxation PCB 85-19 be amended to provide for more taxing authority for cities. We strongly prefer the Senate bill at this time. (M. Sittig)**

**RAILROADS** - HB 591 (B.L. Johnson) and SB 334 (Beard) provide for the duties of railroads and governmental entities at railroad crossings. The bills authorize municipal law enforcement officers to enforce train speed limits and provide that advance railroad warning signs and pavement markers are the responsibility of municipalities on municipal streets. However, these bills also provide that municipalities will have the maintenance responsibility for municipal streets throughout the railroads' right-of-ways up to the outside limits of the railroad ties in the railroad right-of-way. Additionally, both bills provide that in the absence of an agreement to the contrary, the annual cost of maintenance of signalization at railroad crossings that intersect with municipal streets shall be shared equally by the railroad company and the municipality. Examine the impact this legislation will have on your municipality and contact your legislators to request that they oppose the bills if the impact will be adverse. (C. Morrison)

**ABOLITION/JOINT & SEVERAL LIABILITY** - SB 1055 (Hair) would abolish the doctrine of joint and several liability in negligence actions. If this doctrine is abolished, the city will only be liable for that portion of a judgement for which the city was responsible and will thereby eliminate the city's status as a "deep-pocket." This bill will be heard by the Senate Commerce Committee on Monday, April 29, at 2 p.m. If your Senator sits on this committee, please contact him immediately and voice your **support** for this bill. (C. Morrison)

**FIRE FIGHTER DISFIGUREMENT** - HB 280 (Hazard) SB 146 (Fox). The Senate bill passed the Personnel, Retirement and Collective Bargaining Committee last week. The House bill will be heard by the Commerce Committee Monday, April 29 at 1:15 p.m. Contact these representatives and **oppose** this bill.

These bills **discriminate** against all non-fire employees by extending the Workers' Compensation law for only one employee group. A firefighter would receive, above any other Workers' Compensation benefit, payment for permanent disfigurement in the line of duty. Currently an employee receives payment for wages lost if injured on the job, plus additional payment if permanently, partially or temporarily disabled. (C. Marchner)

**FRS OPT-OUT** - HB 61 (Evans-Jones and others) and SB 9 (Vogt and others). These bills would allow cities to withdraw from the Florida Retirement System for future employees only, on an optional basis until September 1986. The House bill is in the Appropriations Subcommittee on State Employee Benefits and the Senate bill is in the Committee on Economic, Community and Consumer Affairs. The Senate also will be heard by the Committee on Personnel, Retirement and Collective Bargaining. If you have a legislator on any of these committees and your city is in the FRS, it is imperative that you express your interest in this opportunity. (C. Marchner)

**STATE MANDATED POLICE/FIRE PENSION ADMINISTRATION** - HB 730/732 (Morgan) and SB 749/754 (Jenne). The House bills passed the full Committee on Retirement, Personnel and Collective Bargaining last week, and will be heard next by the Appropriations Committee. Contact your representative immediately and **oppose** these bills as they are moving through the House rapidly. The Senate bills will be heard by the Committee on Personnel, Retirement and Collective Bargaining on Tuesday, April 30 at 2 p.m. Members of this committee are: Margolis (chairman), Hill, Dunn, Jenne, Jennings, McPherson and Neal. These bills would significantly increase pension benefit level minimums; most cities that are at the current minimum levels would be affected by the proposed changes in these benefits. If a change in pension plan benefits would be needed in any way to comply with the new mandates in these bills, that city would be required by current law to fund an actuarial study to determine the cost of such changes. If an increase in contribution rates is required, the cost would have to be borne by the employer, employee or both. These bills would provide almost **complete independence** to the board of trustees which operates the plans; establishing the newly constituted board of trustees as the sole and exclusive body with administrative responsibility for funds. However, the city remains **financially responsible** for the funding of any deficits experienced by the plan. Local pension systems should be administered through the elected official representatives who ultimately are accountable for all pension expenditures. Notify your legislators now about the dangers of this breach in administration and state intrusion into pension management. (C. Marchner)

**STATE COMPREHENSIVE PLAN** - PCB 4 (House Appropriations) and SB (unnumbered) (Select Committee on Comprehensive Plan). The Senate and House versions of the State Comprehensive Plan. The bills are similar to the Comprehensive Plan previously reported on. A serious issue is whether the State Land Development Plan and Water Plans which will be adopted pursuant to the State Comprehensive Plan must receive affirmative approval by the Legislature. The League **supports** legislative adoption of these important elements. The bills will be heard by these committees this week and then go directly to the floor of both houses. (J. Wolf)

FLORIDA LEAGUE OF CITIES  
201 W. Park Avenue  
P.O. Box 1757  
Tallahassee, Florida 32302-1757



JANET CASON, CMC, CLERK  
CITY OF NAPLES  
735 EIGHTH STREET, SOUTH  
NAPLES, FL 33940

**GROWTH MANAGEMENT** - CS/CS 113 (Hamm), Senate Local Government Comprehensive Planning Act (LGCPA) rewrite. The bill allows the Department of Community Affairs (DCA) to appeal all elements of LGCPA to the governor and Cabinet. Provides new requirements for Comprehensive Planning Act and for additional elements to the comprehensive plan. Provides for funding cutoffs, including revenue sharing, for noncompliance. Allows increased standing for parties to file suit challenging all local government decisions relating to land development. The bill also provides that the local plans must be consistent with the State Comprehensive Plans, State Land Development Plan and Regional Policy Plans. The last two are agency rules rather than legislative acts. The bill is to be heard by the Senate ECCA Committee on April 29. The bill also will be heard in Natural Resources and Appropriations. It is important that you immediately let your senator know: 1) you oppose increased standing to attack local government decisions; 2) that any challenge to a local government comprehensive plan by DCA should be filed in court where the local government decision is presumed to be correct rather than with the governor and Cabinet where there is no such presumption; 3) that local plans should only be required to be consistent with policies adopted by the Legislature; and 4) there should be no funding cutoffs, especially revenue sharing.

HB 287 ( Mills) - is being heard by the House Subcommittee on Growth Management of the Natural Resources Committee. It probably will be voted out of subcommittee this week and may be heard by full committee. The portions on the LGCPA are similar to CS/SB 1143. It is important that you immediately contact your representative to express the same concerns as were expressed relative to CS/SB 1143. The standing to sue issue probably will be resolved on the floor in both houses; so it is important to let your legislators know you **oppose** increased standing.

CS/CS/SB 122, 84, 85 - The bill deals with the Coastal Element of the Comprehensive Plan. The bill was heard by the Senate Appropriations Committee. Sen. Vogt introduced several amendments which would require all challenges by DCA to the local plan to be heard in court rather than by the governor and Cabinet. He also introduced an amendment which would require the State Land Development to be adopted by the Legislature. The bill will be heard next by the full Senate. Notify your senators that you **oppose** any attempt to remove the Vogt amendments. (J. Wolf)

**CODE ENFORCEMENT BOARDS** - SB 501 (Frank) and HB 328 (Watt) would expand the jurisdiction of code enforcement boards to include the violation of all ordinances where the violation amounts to a continuing violation of the ordinance. SB 501 passed the Senate Civil-Judiciary Committee last week and was placed on the Senate Calendar. HB 328 also has been placed on the House Calendar. This League-supported legislation should be heard by both houses this week. (C. Morrison)

**EMINENT DOMAIN/ATTORNEY'S FEES** - SB 707 (Gordon) would require that a condemnee attorney submit detailed time records with respect to his legal work on behalf of the condemnee. It would also limit attorney's fees in condemnation actions to 15 percent of the value of the property taken by the condemning authority. It also would provide an offer of settlement procedure and would penalize the condemnee if he refused an offer by the municipality and the value of the property was determined to be less than that of the offer. This bill should be heard by the Senate Civil-Judiciary Committee this week. If your senator sits on this committee, please convey your **support** for this bill. (C. Morrison)

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