

## **NORTHWEST COUNCIL OF ELECTED OFFICIALS**

### **MINUTES OF MEETING – MAY 10, 2021**

**Host City:** Coconut Creek

**Meeting Location:** Virtual Meeting

<b>Present:</b>	Mayor Rebecca Tooley	Coconut Creek
	Commissioner Jacqueline Railey	Coconut Creek
	Commissioner Sandra Welch	Coconut Creek
	Mayor Scott Brook	Coral Springs
	Commissioner Joy Carter	Coral Springs
	Mayor Hazelle Rogers	Lauderdale Lakes
	Mayor Arlene Schwartz	Margate
	Commissioner Anthony Caggiano	Margate
	Mayor Rich Walker	Parkland
	Vice Mayor Bob Mayersohn	Parkland
	Commissioner Simeon Brier	Parkland
	Commissioner Ken Cutler	Parkland
	Commissioner Jordan Isrow	Parkland
	Commissioner Mike Gelin	Tamarac
	City Manager Karen Brooks	Coconut Creek
	City Attorney Terrill C. Pyburn	Coconut Creek
	Deputy City Manager Sheila Rose	Coconut Creek
	Assistant to the City Manager Bernadette Hughes	Coconut Creek
	Executive Assistant Maureen DeLaunay	Coconut Creek
	Candice Ericks	Ericks Consultants, Inc.
	Lauren Jackson	Ericks Consultants, Inc.
	Robbie Holroyd	Ericks Consultants, Inc.

#### **1. Call to Order**

Coconut Creek Mayor Rebecca Tooley called the meeting to order at 12:05 p.m.

Mayor Tooley explained that Governor Ron DeSantis' Executive Order 20-52, as continuously extended, and Section 252.38, Florida Statutes, authorized all local governments to waive procedures and formalities otherwise required by both state and local law as necessary to allow local governments to continue to perform public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community. She explained the procedures for public participation and comment for the meeting.

Executive Assistant Maureen DeLaunay stated there were no advanced public comments submitted for the meeting.

*Approval of Minutes was addressed following the Legislative Update.*

#### **2. Approval of Minutes – April 12, 2021 – Hosted by the City of Lauderhill**

Upon a motion by Coral Springs Commissioner Carter, seconded by Margate Mayor Schwartz, the April 12, 2021, meeting minutes were approved by a unanimous voice vote.

### **3. Legislative Session Update – Ericks Consultants, Inc.**

Candice Ericks of Ericks Consultants, Inc. introduced her team and shared a review of the 2021 Florida Legislative Session. She explained there was a substantial amount of education and relationship building required in the session, as there was a new Senate President and new Speaker of the House, as well as 41 new House members and 10 new Senate members, eight (8) of whom had previously been in the House. She discussed adjustments made because of COVID-19 and ways in which meetings were adjusted.

Ms. Ericks stated there were 275 total bills passed, and invited Lauren Jackson of Ericks Consultants, Inc. to provide an overview. Ms. Jackson discussed the Fiscal Year 2021-22 budget, noting the record \$101.5 billion budget was a 10 percent increase over the current year largely due to the inclusion of Federal dollars and an increase of \$2.3 billion in State funding. She stated the addition of the Federal dollars had a dramatic impact on the medical budget. Ms. Jackson reviewed other budget highlights, including:

- Minimum wage increase for State employees to \$13;
- \$9.2 billion for State transportation work;
- Visit Florida;
- School safety;
- Over \$1 billion for community mental health and substance abuse;
- \$209.2 million for affordable housing; and
- Landmark flooding and sea rise package.

Ms. Jackson spoke briefly about how the legislature approached funding education, including funds set aside in anticipation of enrollment returning to pre-COVID-19 levels. She stated that change was a major theme of the session. Continuing, Ms. Jackson explained increases in documentary stamp tax revenue were utilized to guarantee \$200 million to go toward affordable housing programs, including the State Housing Initiative Partnership (SHIP) Program and the State Apartment Incentive Loan (SAIL) Program. She noted affordable housing advocates saw it as a permanent sweep of the funds, but it was also guaranteed funds, which were not previously in place.

Ms. Jackson reviewed highlights of the American Rescue Plan, including:

- \$1,000 bonuses to essential first responders, classroom teachers, principals, and childcare/early learning instructors;
- Funded childcare for essential workers; and
- Allocated \$250 million for seaports impacted by COVID-19.

Ms. Jackson introduced Robbie Holroyd of Ericks Consultants, Inc. to discuss education and school safety. Mr. Holroyd explained for the past few years, both chambers have put forth comprehensive school safety packages guided by the Marjory Stoneman Douglas High School Public Safety Commission. He stated this session, the House had come in strongly in favor of the comprehensive package, but the Senate did not. He noted that in the last few weeks of the session, through work with the Parkland families and Representative Christine Hunschofsky, a modified version as Senate Bill (SB) 590 was passed. He reviewed highlights from the bill, including:

- Best efforts for parental notification prior to the initiation of a Baker Act;
- Parental notification of threats and specified incidents on school property;
- Requirement for school districts to formalize eligibility criteria for school-based and criminal justice-based diversion programs;
- Reporting requirements for incidents, threats, and involuntary examinations;
- Requirement for the mental health hotline number to be printed on the back of student identification cards; and
- Requirement for mental health professionals or other another designated employees trained in de-escalation to be involved prior to the Baker Act of a child.

Mr. Holroyd briefly reviewed the legislation with an early learning focus that passed during the session.

Ms. Jackson discussed funds put into reserves and noted they would be monitoring the use of those funds during future sessions to be sure local governments were not left with revenue deficits. She reviewed the COVID-19 liability protections, which were passed in the first bill of the session, explaining SB 72 provided strong COVID-19 liability protections for businesses, educational institutions, governmental entities, and religious institutions.

Ms. Jackson discussed the Emergency Management Package and discussion of local orders, which legislators felt interfered with people's rights and liberties. She provided additional explanation of the restrictions and efforts made to amend. Ms. Jackson reviewed language which codified the Governor's emergency order prohibiting businesses and public entities from requiring proof of vaccination. She noted the issue was complicated by the fact that the CDC had placed requirements that cruises require vaccines and restrictions on Broadway tours. Ms. Jackson stated HB 919, which would have provided that first responders contracting COVID-19 would be presumed to have contracted it in the line of duty, did not pass.

Ms. Jackson reviewed items under Intergovernmental Relations, including:

- Preemption on energy infrastructure and transportation energy infrastructure; and
- Preemptions on home-based businesses.

Parkland Vice Mayor Mayersohn asked for clarification on the status of the home-based business bill. Ms. Jackson responded that there was some confusion, but she believed it was headed to the Governor's desk for signature. She stated there is a big push for Governor DeSantis to veto the bill, but she was not confident. Discussion ensued regarding the expansions within the bill, exemptions for Homeowner's Associations, and the intent of the legislation.

Ms. Jackson continued to review items under Intergovernmental Relations, including:

- Adjustment of the preemption on public works projects to apply in projects of \$1 million or more, which include State funding of any amount;
- Requirement that utilities conduct 20-year stormwater needs assessment every five (5) years; and

- Broadened preemption on written and unwritten policies regulating firearms and ammunition.

Ms. Jackson reviewed changes to the Florida Building Code, including a building design addition at the last minute. She discussed HB 59, which addressed Growth Management, and HB 337, which capped the allowable increases to impact fees. She stated some local governments were able to win some concessions, but still opposed the bill. She reviewed the circumstances which allowed for going above the caps, and the process required. Continuing, Ms. Jackson discussed HB 421, which intended to streamline and clarify the process for a property owner to bring suit under the Bert J. Harris Jr. Private Property Protections Act of 1995. She stated the bill expanded the Act to include mineral rights, which was considered a major win for the Farm Bureau.

Ms. Jackson stated preemption of regulations on vacation rentals was a Senate President priority. She reviewed efforts to broker a deal on the issue and the eventual failure of the bill. She recommended local governments should be ready to work off the language included in an amendment filed on the bill, as it would likely be taken up again. Ms. Jackson discussed a bill, which did not pass, that would have authorized the Attorney General to declare a matter to be of great governmental concern, preventing civil action filed by local governments.

Ms. Jackson reviewed HB 35, which allows for local governments to opt to use electronic notices only utilizing eligible newspaper websites and the website [www.floridapublicnotices.com](http://www.floridapublicnotices.com). She discussed the expected reduction in fees associated with the public notices as a result. Ms. Jackson reviewed SB 90, the elections bill which passed after a national push for the reform. She stated the bill originally banned drop-off boxes, but the final bill allowed for the boxes as long as they were manned and met other restrictions. Continuing, Ms. Jackson discussed the tax package unveiled by the House Ways and Means Committee. She explained HB 7061 included a new sales tax holiday from July 1 to July 7 for recreational purposes. Ms. Jackson explained online retailers would now be required to collect sales tax after the passage of SB 50.

Ms. Jackson reviewed additional bills that failed, including:

- Local government ethics reform;
- Fiduciary duty of care for appointed public officials and executive officers;
- Administrative entity telecommunication meetings;
- Prohibition on public funds for lobbying by local governments;
- Reform of the Florida Retirement System (FRS) to disallow new hires from going into the pension system; and
- Sovereign immunity.

Ms. Jackson noted the FRS issue was expected to be brought back. She stated the Senate had passed the bill, but the House had not taken it up. She reviewed Health and Human Services legislation that passed, including:

- Tobacco 21 bill with preemption for local governments on minimum age, sale, and regulation; and
- Sober home task force bill.

Ms. Jackson pointed out the unanimous vote on HB 217, which renamed the Southeast Coral Reef Ecosystem Conservation Area after the late Representative Kristin Jacobs to honor her legacy as a public servant and her passion for the environment. Ms. Jackson discussed statewide flooding and sea level rise, noting the American Flood Coalition had managed the wording through their advocacy. She stated a property insurance bill, which had taken several years finally passed, allowing Citizens to raise their rates. Margate Commissioner Caggiano asked for clarification on the homeowner's insurance bill. Ms. Jackson explained that Citizens was capped at a much lower rate than the private market, and there was concern that if the issue was not addressed there would not be any private competition. Discussion ensued regarding the impact on homeowner's insurance prices and the roof replacement formula included in the language of the bill.

Ms. Jackson continued to review legislation that failed, including:

- Cap on THC potency for medical marijuana patients;
- Expansion of the Property Assessed Clean Energy (PACE) program to create the Resiliency Energy Environment Florida (REEF) program to strengthen consumer protections and expand the improvements that can be financed by supplemental assessments;
- PFAS liability protections; and
- Repeal on Regional Planning Councils.

Ms. Jackson discussed SB 1028, the Charter School bill, which was amended to include a ban of transgender athletes participating in women's middle and high school sports and to remove term limits on school board members. She reviewed transportation bills, including SB 950, which increased safety for pedestrians and bicyclists, and SB 1944 which addressed redundant utility and communications poles. Margate Mayor Schwartz asked for clarification regarding redundant poles installed by Florida Power and Light (FPL). Ms. Jackson responded with additional information on the intent of the bill and the Public Service Commission regulations.

Ms. Jackson reviewed personal injury protection (PIP) reform, noting the issue had come up multiple times and had finally passed. She explained SB 54 repealed Florida's no-fault and PIP laws and replaced them with Mandatory Bodily Injury (MBI) coverage and a framework for bad-faith litigation. Ms. Jackson briefly reviewed a traffic and pedestrian safety bill, which had not passed. The bill would have created the Sophia Nelson Pedestrian Safety Act, along with requiring a traffic engineering study prior to installing a mid-block crosswalk and making changes to lighting requirements. Ms. Jackson discussed HB 1, the Combatting Public Disorder bill, and its impacts. She noted the bill removed sovereign immunity for local municipalities under certain circumstances related to riots and unlawful assemblies and provided for an appeals process for police department budgets. She reviewed concerns expressed by the opponents of the bill and the argument of supporters.

#### **4. Old Business**

None.

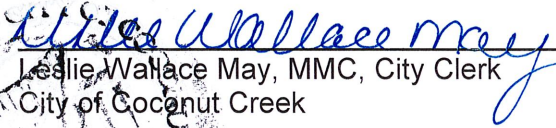
#### **5. New Business**

Margate Commissioner Caggiano stated he wanted to make sure the group was continuously talking about the election fee increases imposed by the Supervisor of Elections. He asserted they needed to put up a strong front to combat the increases. Mayor Tooley responded that the Broward League of Cities had organized a task force. Discussion continued regarding the issue.

Margate Mayor Schwartz asked how other municipalities were handling in-person meetings, noting she did not feel everyone was on the same page. Discussion ensued regarding operating under the changes of the Governor's new order.

**6. Adjournment**

There being no further discussion, Mayor Tooley adjourned the meeting at 1:39 p.m.

  
Leslie Wallace May, MMC, City Clerk  
City of Coconut Creek  
