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submitted by  
Wayne Bowers



# **City of Gainesville**

## **2001 State Legislative Statement**

**September 25, 2000**

# Table of Contents

<b>Issues</b>	<b>Page</b>
Technology Business Incubation Property Tax Exemption	1
Technology Business Incubation Financial Support	3
Front Porch Florida Program	4
Transportation Disadvantaged Trust Fund	5
Traffic Calming Devices	6
Stormwater Management Charges	7
Certificate of Public Convenience and Necessity	8
Florida Hazardous Materials Community Protection Act	9
Mandatory “Two-in, Two-out”	10
Prohibiting Prostitution	11
Vendors Licensed to Sell Beer and Malt Beverages Near Schools	12
Equal Opportunity Director Charter Officer	13
Project Funding Requests	14

# **City of Gainesville**

## **2001 Legislative Statement**

### **Technology Business Incubation Property Tax Exemption**

#### **Position**

The City supports allowing a property tax exemption for technology business incubators that are owned and funded by a local government, located in a state-designated enterprise zone, and are part of a countywide economic development program involving technology transfer from the State university system.

#### **Key Points**

Using local matching funds from the City of Gainesville and the Alachua County Commission, the City of Gainesville has obtained federal grant funds from the U.S. Department of Commerce to build a technology business incubator in the City's enterprise zone. The facility will help nurture and grow small start up companies that use new technologies for product development. Although funds have been identified to partially cover construction of the facility, no funding sources have been found to help offset its operating costs. The technology incubator is part of the City of Gainesville Economic Development Program. It is being created to help grow local companies, diversify the area's employment sectors and add higher paying jobs for local residents. Once completed, the facility will be closely aligned with the University of Florida, the Small Business Development Center, the Service Corps of Retired Executives, the North Florida Technology Innovation Corporation and others to help them succeed. Tenant companies are expected to graduate from the facility within three years and join the greater Gainesville business community as tax paying employers. Studies have shown that incubator graduates have a greater chance of surviving long-term and becoming key employers and taxpayers in their community. Therefore, since the facility is part of the City and County Economic Development Program, is

located in the City of Gainesville enterprise zone, and will help increase technology transfer from the University of Florida, it fulfills a public purpose and should be exempted from property taxation. The annual property tax on the \$2.0 million facility in Alachua County is approximately \$55,000 (considering a millage rate of 27.5265 for 1999).

**Contact**

Conchi Ossa, Economic Development Director

# City of Gainesville 2001 Legislative Statement

## Technology Business Incubation Financial Support

### **Position**

The City supports the creation of a program that provides State grant funds to technology business incubation facilities that incubate and help grow small startups involved in technology development or that fall within the State's target industry list, not just space-related companies.

### **Key Points**

Small companies are growing faster and creating more new jobs in the United States than large corporations. Florida cities and counties can benefit from that growth by developing programs that foster entrepreneurship and help grow small business startups. The State and its municipalities should take advantage of the research and development that occurs at educational institutions such as the University of Florida by aiding the transfer of technologies to entrepreneurs who can apply the technology and create viable products and companies. Funds should be made available to cities and counties as well as to educational institutions to leverage Federal funds awarded for the construction or operation of incubator facilities. Other than direct funds made available to specific universities, funds of this type in the State of Florida are only available through the Technological Research and Development Center for programs or facilities that focus on space-related technologies. The City believes it is in the best interest of the State to create a program that provides grant funds to business incubation facilities that incubate and help grow small startups involved in technology development or fall within the State's target industry list, not just space-related companies.

### **Contact**

Conchi Ossa, Economic Development Director

# City of Gainesville 2001 Legislative Statement

## Front Porch Florida Program

### Position

The City supports amending the Front Porch Florida legislation to allow for more communities to be designated Front Porch Florida Communities.

### Key Points

1. This program is the keystone of the State's urban initiative, designed to involve neighborhood residents in the decision making process on issues affecting their communities. Gainesville has had considerable success through its neighborhood planning program and other coalition building efforts in involving neighborhood residents in deciding neighborhood level improvements.
2. The current Front Porch Florida legislation provides for the designation of only 20 communities through the year 2002. Communities that are so designated have access to special funding and other financial incentives to address neighborhood needs. More than 20 communities across the State should have an opportunity to participate in this program.
3. The current legislation requires all cities and counties, both large and small, to compete for Front Porch Florida designation on the same level. A tiered system designed to designate communities by size (e.g., small, medium, and large) would be a more equitable way of designating Front Porch Florida Communities.

### Contact

Tom Saunders, Community Development Director

# City of Gainesville 2001 Legislative Statement

## Transportation Disadvantaged Trust Fund

### **Position**

The City of Gainesville supports increasing the fees collected on initial and renewal license tag registrations from \$1.50 to \$2.50.

### **Key Points**

1. The Commission for the Transportation Disadvantaged reported that Florida's Transportation Disadvantaged Program provided more than 36 million trips in 1998. It was also reported that more than one million trips were denied in 1998. This was a 90 percent increase in trip denials from the previous year. This increase in trip denials is due to funding reductions and the increasing demand for service.
2. In Alachua County, 735 trips were denied in 1998. By adding an additional \$1.00 fee to each vehicle registration, it is estimated that an additional 27,000 trips could be provided to individuals who are unable to transport themselves.

### **Contact**

Teresa Scott, Public Works Director

# City of Gainesville 2001 Legislative Statement

## Traffic Calming Devices

### Position

The City supports legislation that would authorize municipalities to install traffic calming devices, including speed humps, on City streets.

### Key Points

1. S. 316.006 (2)(a), F.S., provides municipalities the jurisdiction over all streets and highways located within their boundaries, except State roads, and allows municipalities to place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their jurisdiction as deemed necessary to regulate, warn, or guide traffic.
2. Traffic calming devices, including speed humps, are not specifically defined in the current manual and specifications of the Florida Department of Transportation.
3. In August 1998, the City of Gainesville requested the Florida Department of Transportation amend their manual and specifications to include criteria for traffic calming devices, including speed humps.
4. The City has found traffic calming devices installed on certain streets to be effective at reducing the incidences of speeding motorists.

### Contact

Teresa Scott, Public Works Director



# City of Gainesville

## 2001 Legislative Statement

### Stormwater Management Charges

#### Position

The City recommends an amendment to Chapter 403, F.S., requiring the State and its political subdivisions to pay stormwater charges if they are users of the local government's stormwater management system regardless of whether the funding is set up as utility fees or special assessments.

#### Key Points

Much of the recent litigation involving stormwater charges has been over whether such charges are fees or special assessments. The State and its political subdivisions argue that the charges are special assessments for which they are not liable to pay. The State argues that it can be held liable to pay a special assessment only where it is specifically provided for by law. If the charges are fees, the State and its political subdivisions must pay the charges.

The requested amendment would render the issue moot, as the State and its political subdivisions would be required to pay for the use of the stormwater management system, regardless of whether the system was funded by a utility fee or special assessment.

#### Proposed Language

Create a new subsection (4) added to Sec. 403.0893, F.S. as follows:

#### **403.0893 Stormwater funding; dedicated funds for stormwater management.**

(4) Whether funding for stormwater management is established as a utility fee pursuant to Sec. 403.0893(1) or an assessment pursuant to Sec. 403.0893(3), the State and its political subdivisions shall pay such stormwater charges if they are users of the local government's stormwater management system.

#### Contact

Marion J. Radson, City Attorney

# City of Gainesville 2001 Legislative Statement

## Certificate of Public Convenience and Necessity

### **Position**

The City supports legislation that would authorize municipalities to issue Certificates of Public Convenience and Necessity (COPCN) for EMS service within their cities.

### **Key Points**

Currently State Rule 64E-2, Florida Administrative Code, gives Counties the authority to issue Certificates of Public Convenience and Necessity to EMS services within a County. During the last legislative session, legislation was introduced to amend 64E to allow municipalities with a population over 35,000 the ability to issue COPCN's for EMS services within their cities. Gainesville Fire-Rescue would recommend that if legislation is introduced this year that it be strongly supported.

### **Contact**

Richard Williams, Fire Chief

# City of Gainesville 2001 Legislative Statement

## Florida Hazardous Materials Community Protection Act

### **Position**

The City recommends support of this legislation.

### **Key Points**

The Florida State Emergency Response Committee will be introducing legislation during the next session to create and fund District Hazardous Materials Response Teams. If this legislation were to pass it could directly impact Gainesville Fire-Rescue in that the City may likely be the selected agency to contract with the State to provide this service. This would mean additional funding and support. Gainesville Fire Rescue would recommend that if this legislation is introduced this year that it be strongly supported.

### **Contact**

Richard Williams, Fire Chief

# City of Gainesville 2001 Legislative Statement

## Mandatory "Two-in, Two-out"

### **Position**

The City opposes an unfunded mandate being proposed by fire unions called "two-in, two-out".

### **Key Points**

The fire unions have been trying for two years to implement a mandatory "two-in, two-out" minimum staffing rule for all fire departments through the Division of Safety, Department of Labor.

This requires additional firefighters at the scene of certain kinds of fires. This potentially creates duplication of the safety function for cities, for different groups of employees. The Division of Safety previously oversaw the enforcement of safety standards for all employees.

The proposal took the form of bills during the 2000 session and is now resurfacing in a proposed overall safety rule by the state Division of Fire Marshal, Department of Insurance. Both the division and the statute that governed the safety for public employees throughout the state were sunsetted by the Legislature effective July 1, 2000.

If this rule is adopted, it will mark the new beginning of significantly increased costs on fire department manning, equipment, safety devices and safety procedures as determined by the division.

### **Contact**

Richard Williams, Fire Chief

# City of Gainesville 2001 Legislative Statement

## Prohibiting Prostitution

### **Position**

The City would like to submit the following proposal for strengthening violations of FSS 796.07 Prohibiting Prostitution, etc.; evidence; penalties, definitions.

### **Key Points**

The City recommends amending 796.07 (4)(b) to make it a first degree misdemeanor for a second violation, striking that portion which states, "or subsequent violation."

The City also recommends adding a new §796.07 (4)(c) to make violating 796.07 a felony of the third degree when the violator has two previous convictions for violating §796, punishable as provided in s.775.082 or s.775.083.

### **Contact**

Norm Botsford, Police Chief

# **City of Gainesville**

## **2001 Legislative Statement**

### **Vendors Licensed to Sell Beer And Malt Beverages Near Schools**

#### **Position**

The City of Gainesville recommends an amendment to Sec. 563.02, F.S. to allow municipal and county governments to regulate by zoning the location of vendors who are licensed to sell beer and malt beverages for consumption off the premises so that they are not located near or adjacent to primary or secondary schools.

#### **Key Points**

1. A convenience food store is located across the street from Williams Elementary School. From time to time, the customers of the store remain in or near the premises, and occasionally the customers consume alcoholic beverages in the open. School children are placed in danger by the proximity of this store to the school.
2. The City and the County are prohibited by law from regulating by zoning the location of vendors who are licensed to sell beer and malt beverages for consumption off the premises. Sec. 563.02, F.S. provides that vendors who hold beer and malt beverages licenses for off premise sales are not subject to zoning by municipal and county governments. This means these vendors can be located next to a school.
3. The Division of Beverage of the State of Florida acknowledges that State law prohibits the City and County from imposing any zoning requirements on vendors who are licensed to sell beer and malt beverages for consumption off the premises.
4. These vendors are the only sellers of alcoholic beverages that are not subject to City and County zoning laws. This means that the City and County can prohibit liquor stores near schools, but cannot prohibit stores from selling beer and malt beverages near schools. This disparate treatment places the schools, school children and parents at risk because it allows the sale of beer and malt beverages in proximity to elementary, middle and high schools.
5. Cities and Counties should be allowed to reasonably regulate by zoning the location of vendors who sell beer and malt beverages for consumption off the premises in the same manner as they regulate other vendors of alcoholic beverages.

#### **Contact**

Marion Radson, City Attorney

# **City of Gainesville 2001 Legislative Statement**

## **Equal Opportunity Director Charter Officer**

### **Position**

The City requests that the Alachua County Legislative Delegation sponsor a local bill to amend the Gainesville City Charter to create a Charter Officer position entitled Equal Opportunity Director and to make other changes to strengthen the equal opportunity programs of the City.

### **Key Points**

On April 12, 1999, the City Commission appointed a Blue Ribbon Committee on Equal Opportunity/Affirmative Action/Charter Officer. This citizens group met for several months and recommended to the City Commission that the City Charter be amended to create a new Charter Officer position entitled Equal Opportunity Director. The City Commission passed a resolution on March 6, 2000 urging the Alachua County Legislative Delegation to support and seek enactment into law of such a local bill. A copy of this resolution is attached.

For the 2001 legislative session, the City Commission again urges the Alachua County Legislative Delegation to enact a local bill amending the City Charter in substantially the form attached.

### **Contact**

Marion Radson, City Attorney

RESOLUTION NO. 991156

A Resolution of the City Commission of the City of Gainesville, Florida, urging the Alachua County Legislative Delegation to support and seek enactment into law of the local bill that would amend the City Charter to create the Charter Officer position of Equal Opportunity Director; providing directions to the Clerk of the Commission; and providing an immediate effective date.

WHEREAS, on April 12, 1999, the Gainesville City Commission created a Blue Ribbon Committee to discuss the appropriate structure in City government for affirmative action, equal opportunity, and related policies and programs; and

WHEREAS, on January 3, 2000, the Blue Ribbon Committee submitted its report and recommendation to the City Commission to amend the City Charter by creating the charter officer position of equal opportunity director; and

WHEREAS, on January 24, 2000, the Gainesville City Commission voted in favor of the charter amendment, and requested the Alachua County Legislative Delegation to amend the City Charter by creating the charter officer position of equal opportunity director; and

WHEREAS, in 1979 the Alachua County Legislative Delegation supported the enactment into law without referendum of the local bill that amended the City Charter that created the charter officer position of internal auditor; and

WHEREAS, in 1990 the Alachua County Legislative Delegation, after receiving a recommendation from its blue ribbon committee that studied the operations of Gainesville Regional Utilities, supported the enactment into law without referendum of the local bill that amended the City Charter and, among other things, created the charter officer position of general manager for utilities;




NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

SECTION 1. The City Commission urges the Alachua County Legislative Delegation to support and seek enactment into law during the 2000 Legislative Session of the local bill amending the city charter to create the charter officer position of equal opportunity director.

SECTION 2. The Clerk of the Commission is directed to send a true copy of this Resolution to all members of the Alachua County Legislative Delegation.


SECTION 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 6<sup>th</sup> day of March 2000.

  
\_\_\_\_\_  
Paula M. DeLaney  
Mayor

Attest:

  
\_\_\_\_\_  
Kurt Lannon  
Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY  
BY:   
\_\_\_\_\_  
MARION J. RADSON, CITY ATTORNEY  
CITY OF GAINESVILLE, FLORIDA  
MAR - 7 2000

## House Bill 1839

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Florida House of Representatives - 2000

HB 1839

By Representative Chestnut

1                                   A bill to be entitled  
2           An act relating to the City of Gainesville;  
3           amending chapter 90-394, Laws of Florida, as  
4           amended; revising the charter of the City of  
5           Gainesville; providing for additional duties of  
6           the Internal Auditor; providing for creation of  
7           the charter officer position entitled Equal  
8           Opportunity Director to be appointed by the  
9           city commission; providing powers and duties of  
10          such officer; providing that the city shall not  
11          discriminate on the basis of certain protected  
12          characteristics and requiring the city  
13          commission to adopt ordinances; making the  
14          charter officers responsible for implementing  
15          the equal opportunity and human relations  
16          ordinances and programs in their respective  
17          departments; providing for application to  
18          persons covered under collective bargaining  
19          agreements; providing an effective date.

21 Be It Enacted by the Legislature of the State of Florida:

23           Section 1.   Section 3.05 of Article III of the charter

24 of the City of Gainesville, as created by chapter 90-394, Laws  
 25 of Florida, as amended, is amended to read:

26 3.05 City internal auditor.--

27 (1) The commission may appoint a city internal auditor  
 28 who shall serve at the will of the commission. The city  
 29 internal auditor shall;

30 (a) Shall perform financial and compliance audits.

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Florida House of Representatives - 2000

HB 1839

52-176-00

1 (b) Shall assist the commission in all it  
 2 accountability functions.

3 (c) Shall perform compliance audits on the  
 4 implementation of the city's human relations and equal  
 5 opportunity ordinances, policies and programs pertaining to  
 6 the activities of the city within all departments of the city  
 7 in accordance with schedules prescribed by the commission.

8 (d)(c) Shall perform all other duties assigned by the  
 9 commission.

10 (2) All financial and compliance audits and other  
 11 reports of the city internal auditor shall be filed in the  
 12 office of the clerk of the commission.

13 Section 2. Section 3.08 is created and added to  
 14 Article III of the charter of the City of Gainesville, as  
 15 created by chapter 90-394, Laws of Florida, as amended, to  
 16 read:

17 3.08 Equal Opportunity Director.--The commission shall

18 appoint an equal opportunity director who shall serve at the  
19 will of the city commission. The equal opportunity director:  
20 (1) Shall investigate complaints of discrimination,  
21 harassment, retaliation, and other related matters, and  
22 propose remedial action, as prescribed by the city's human  
23 relations and equal opportunity ordinances. No city employee  
24 shall suffer retaliation for filing a complaint or testifying,  
25 assisting, or participating in any investigation under these  
26 ordinances, and such complaints will be held confidential to  
27 the extent allowed by federal and state law.  
28 (2) Shall make reports, including an annual report, to  
29 the charter officers and the commission, as appropriate, as to  
30 the activities of the year and the need, if any, to revise the  
31 city's human relations and equal opportunity ordinances.

2

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Florida House of Representatives - 2000

HB 1839

52-176-00

1 policies, and programs pertaining to but not limited to equal  
2 opportunity, affirmative action, local minority business and  
3 local small business enterprise procurement program, fair  
4 housing, unlawful harassment, and accessibility to the city's  
5 programs, services, and activities.  
6 (3) Shall propose policies for the implementation of  
7 comprehensive equal opportunity and diversity programs and  
8 adherence to equal opportunity laws, policies, procedures, and  
9 related matters.  
10 (4) Shall develop, prepare, and monitor the city's  
11 affirmative action plan.

12       (5) Shall develop training, conduct workshops, and  
13 propose strategies and initiatives related to diversity and  
14 equal opportunity and related matters in employment,  
15 purchasing, services, programs, and activities.

16       (6) Shall review all proposed changes to current or  
17 proposed new city employment policies, procedures, and  
18 guidelines, job descriptions and purchasing policies,  
19 procedures and guidelines for compliance with equal  
20 opportunity laws, policies, procedures, and guidelines and  
21 related matters.

22       (7) Shall monitor all hires, transfers, demotions,  
23 promotions, and terminations for compliance with equal  
24 opportunity laws, policies, procedures, guidelines, and  
25 related matters.

26       (8) Shall develop instruments to monitor adherence to  
27 diversity and equal opportunity laws, policies, procedures,  
28 guidelines, and related matters for city services, programs,  
29 activities, employment, and purchasing.

30       (9) Shall participate in the assessment and review of  
31 the city's employment practices, including recruitment,

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Florida House of Representatives - 2000

HB 1839

52-176-00

1 appointment, and promotion, as they pertain to all employees  
2 and applicants at all levels of city employment.

3       (10) Shall compile various equal opportunity reports  
4 and related reports required of the city by state and federal  
5 agencies or that are necessary for compliance purposes.

13-6

6        (11) Shall perform all other functions as prescribed  
7 by ordinances or as otherwise directed by the commission.

8            Section 3. Section 5.07 is created and added to the  
9 charter of the City of Gainesville, as created by chapter  
10 90-394, Laws of Florida, as amended, to read:

11            5.07 Equal Opportunity.--

12            (1) The city shall not deny any person any benefit,  
13 service, employment, opportunity for service, contract, or any  
14 incidents or emoluments thereto on the basis of race,  
15 religion, color, gender, national origin, marital status,  
16 disability, sexual orientation, or age. The commission shall  
17 adopt human relations and equal opportunity ordinances to  
18 implement this provision.

19            (2) The charter officers shall apply the city's human  
20 relations and equal opportunity ordinances and implement its  
21 human relations and equal opportunity programs within their  
22 respective departments and shall coordinate the efforts of the  
23 various departments to optimize the effectiveness of their  
24 efforts. The charter officers shall from time to time make  
25 individual and collective recommendations to the commission  
26 pertaining to the effectiveness of the city's human relations  
27 and equal opportunity ordinances and programs pertaining to  
28 the activities of the city.

29            Section 4. Nothing in this act shall abrogate the  
30 provisions of any collective bargaining agreement or the  
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1 city's responsibility to negotiate terms and conditions of  
2 employment.

3 Section 5. This act shall take effect upon becoming a  
4 law.

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# **City of Gainesville 2001 Legislative Statement**

## **Project Funding Requests**

### **Position**

The City requests funding assistance from the State of Florida for several projects which have either a statewide or areawide impact.

### **Key Points**

1. Centralized Downtown Stormwater Basin and Park -- The City of Gainesville requests \$2 million of funding assistance from the State of Florida for a downtown stormwater basin and park. This project will provide a centralized master stormwater basin for downtown, will continue redevelopment in the Depot Avenue area, and will act as the major downtown connector to several Rail-Trails projects. This project has statewide impact because the facility will be designed to filter stormwater before discharging the water to Payne's Prairie. On the Prairie the water becomes part of the Florida Aquifer which is a major source of drinking water for many Florida Communities.
2. African American History Museum -- The City of Gainesville requests \$800,000 of funding assistance from the State of Florida for a facility to house an African American History Museum. The City believes this project would be instrumental in the revitalization of the east Gainesville area and would ultimately attract visitors from across the State. This facility is envisioned to be a multi-agency educational outlet that will promote the exchange of existing materials and objects while preserving the African American history in our community for decades to come.
3. Olympic Training Facility Initiative -- The City of Gainesville endorses the proposal for Florida Centers for Sports Development and hereby supports the State's participation in the funding of the aquatic facility in Gainesville which will help better prepare our State's athletes to compete at National and International levels.

### **Contact**

Wayne Bowers, City Manager



