

**CITY COMMISSION WORKSHOP
8TH FLOOR CONFERENCE ROOM
CITY HALL**

**WEDNESDAY, JANUARY 14, 2004
12:00 NOON TO 2:00 P.M.**

Mayor Naugle called the workshop to order at 12:15 p.m.

Present: Mayor Naugle
Commissioner Teel
Commissioner Trantalis
Commissioner Hutchinson
Commissioner Moore

Absent: None

Also Present: Acting City Manager
Assistant City Manager
City Attorney
City Clerk
Sergeant At Arms

Mayor Naugle announced that the City Commission had been invited for a special briefing of the upcoming legislative session by Senator Steven A. Geller, Florida Senate, District 31.

Senator Geller stated that he was present to hear the Commission's issues. He announced that he held town meetings in every City that he represented, and he also took the City Commissions to lunch in the cities he represented. He further stated that last year was unusual and their schedule had been impossible. He stated they represented the same people, and it was not possible for him to adequately represent the City's interests unless he knew what they were. He continued stating that as the session proceeded, if the Commission had issues which were important to them, they should notify him. He reiterated that he did not mind getting phone calls and everyone was welcome to call him. He stated that he had a listed phone number the entire 16 years that he had been in the legislature. He advised that he lived in Pembroke Pines and his phone number was (954) 431-1521.

Senator Geller stated that he probably represented Fort Lauderdale more than anyone else. Basically, the parameters of his district were from US1, which was the eastern boundary, and Broward Boulevard was the northern boundary, running to the Everglades. He added there were some African-American areas just south of Broward Boulevard, along with the primarily black areas which had been put in Senator Dawson's district. He remarked that he was very concerned with the issues which affected the City of Fort Lauderdale.

Senator Geller stated that when he had met with the Pembroke Pines City Commission, their biggest issue was transportation. Therefore, he had arranged for the State

Secretary of the Department of Transportation, along with Secretary Chesser, to meet at their City Hall to discuss the matter.

Senator Geller stated that he was going to provide a brief overview of the issues he was involved in, and then he wanted to hear the Commission's concerns. He further stated that every time he received notification of grant programs, he forwarded them to the City Manager and City Clerk offices so the Commission would be aware of such funding opportunities. When he received requests from any of the cities he represented for assistance, he contacted the State and agencies that were involved and was happy to do so. He reiterated that if the cities did not contact him, then he would not be aware of what they were doing.

Senator Geller stated further that normally they put in a request for funding on behalf of pet projects, and last year they were essentially no-member projects. He stated that he did not expect to see many member projects funded this year. He explained that State appropriations would be minimal. He further stated that in regard to Land Use Home Rule, there was a coalition of cities which had been feuding bitterly with the County over what exemptions the Cities would have regarding home rule over land use. He advised there were only two counties in the State where the inside cities were run by the County which were Broward and Pinellas.

Mayor Naugle asked if there were no other counties in the State which were as heavy-handed. Senator Geller replied that 65 of the 67 counties the cities controlled land use completely. Only two, by Charter, could be controlled by the County. He explained that Broward County had not been oppressive until the last 5-6 years regarding this matter. He stated that most County Commissioners felt it was the norm for them to have land use authority, but that was not true and it was an extreme aberration. He stated that Commissioner Moore could fill in the rest of the Commission with more details since it was a League of Cities issue.

Senator Geller added that he was a firm believer of redevelopment, and felt they needed to stop spreading out and concentrate on more redevelopment in order to prevent sprawl. He gave as an example a site consisting of 10 acres. He stated that he believed, along with most of the environmental community, that they would be better off keeping 9,000 acres for agriculture and concentrating 10,000 units on 1,000 acres. He reiterated that would be much better for the environment, and they needed to concentrate on redevelopment.

Senator Geller stated that another concern was Broward County because according to the studies they projected that there would be approximately 2.4 Million people by 2020, and housing would have to be provided for those people. He stated that on the County and State levels, he felt they needed to come up with a reasonable and realistic plan to accommodate growth. He stated they had gone from "nimby not in my backyard" to "nape not anywhere in the planet Earth or anywhere in Florida." He stated further that people were going to move here and they could do one of two things. They could either come up with a plan to accommodate such growth or they could close their eyes saying they did not want it to happen, which then it would happen in a ramshackle haphazard fashion.

Commissioner Trantalis stated there was a project growth for the County, and asked if a policy decision had been made as a community if they wanted the 2.4 Million people to

live here. He stated that once they agreed on the "givens," than the options would become more obvious.

Senator Geller stated that unfortunately many people in Florida and Broward County preferred to say they did not want any more growth. He stated they had hired the Brookings Institute who stated that people could not be stopped from moving to the area, and if they tried, they were going to move here anyway. He stated that he had copies of the report for the Commission which stated that people were moving to Broward County, and if housing was not built for them, they would still come. He further stated that what would happen was that they would illegally subdivide existing homes, and they would illegally continue converting garages into efficiencies, along with having 2-3 families living in single-family homes because it would be affordable. He continued stating that when land and housing got too expensive, the people working would live outside the City and there would not be any work force housing. He explained that either people would have to drive to get to the City, or the workers would have to be paid more in order to afford even inadequate housing which would cause a major deterioration in the economy.

Senator Geller further stated that by rule the University of Florida arrived at the population projections, and governments were required to accept such numbers. Their expert came up with virtually identical numbers as provided by the Brookings Institute, and their final conclusion was that there was some control over the amount of affluent prosperous people that moved into the area, but no control over the less prosperous individuals moving into the area.

Commissioner Trantalis stated that Palm Beach limited their population and the diversity of incomes. He stated they needed to have a diversity of people to form the social framework. He continued stating that if they continued to allow people to go into an area, he asked how they could make it more appealing to the upper income individuals who were the driving economic impetus for the area. He asked how they could prevent the pendulum from swinging the other way. He stated he did not want the City to be built with a population that would stagnate the economy, and the area no longer be a point of destination. He asked if such issues had been addressed by the Brookings Institute. He stated they needed to create a balance without creating disincentives for the sector of the economy which drove a large portion of the City's growth.

Senator Geller clarified that he had stated that they could only prevent the wealthy people from moving into an area. He stated that Broward County had hired Brookings Institute to come up with a report saying that they should have no additional density, but Brookings came up with a report that was completely contrary to that concept. He stated that New York was a good example because many affluent people lived in New York City today. He continued stating that many people wanted an urban atmosphere, and many preferred a suburban atmosphere. He felt they needed to try to provide for both. Senator Geller stated that one issue which was important to this topic was that what they were saying may sound reasonable, but every study done in the County disagreed with the contention being made. Both stated that people did not want to have additional housing in the State, and initially would prefer to erect a border and not let any new people move in. He stated that was not what was taking place. Individuals were moving into the State, and the current State Road Management Plan stated in 1997 that they needed to create an urban plan, but nothing had been done since that date. He stated that the committee he chaired did a similar study this year, and the recommendations

were almost identical to the 1997 study. He felt it was clear that people would continue to move to the State of Florida and would require housing. He explained they could either permit the housing to be built in a haphazard fashion or they could prepare an organized plan showing where such housing should occur. He stated there was no plan right now that would accommodate any projected population. He believed there should be such a plan.

Senator Geller stated that in every study he had seen, it showed that people were going to move here, and they needed to provide plans for such projected growth because it was going to happen. He stated there had been a series of newspaper articles which stated that housing in the County was by most national standards unaffordable, and most people felt the situation needed to be addressed. He added that the prices of housing, because of the limitations on the number of units, were skyrocketing and if they wanted to see an economic devastation in the County, then they would not provide such work force housing. He stated that in one of the newspaper articles, the Chairman for the Broward Coalition for the Homeless was quoted as saying that they needed more housing units because it would help the affordable housing issue. He stated that where such units were placed was the subject for discussion. He stated it was his opinion that the County needed to back off and give the cities more discretion because there needed to be a City/County partnership. He stated he was not suggesting that the cities be forced to take additional units that people did not want, but he was suggesting that the cities who wanted additional density be allowed to do so. He felt if they buried their heads in the sand and say there would be no more density, then there would be huge problems. He stated they could not stop the people from coming.

Mayor Naugle stated they had not been able to provide transportation to handle the growth. He felt there was great opportunity along the FEC corridor.

Senator Geller stated that his personal view was that the majority of growth should occur somewhere between US1 and the Florida Turnpike. He stated that if they wanted working mass transit, they had to have density. He stated the problem was it was expensive to have working mass transit before the density. He continued stating that they would probably want certain areas along the transportation corridors which were denser. He believed that a city had not been built in this country since the invention of the internal combustion engine. He reiterated that he was a new urbanism believer, and that they needed to start building cities. He stated that in the Las Olas area they had something approaching a city, but it was only about 8-10 blocks long and they needed to expand cities.

Commissioner Trantalis asked what Senator Geller's feeling was at the State level towards funding or studying mass transit programs. He stated that he did not see much coming from Tallahassee. Senator Geller replied that he would not see much coming out of Tallahassee regarding that matter. He stated that Florida was among the lowest tax states in the Nation. He proceeded to distribute brochures that he used in connection with his speeches. He stated that all 50 states had been ranked in regard to State spending per capita, and according to that ranking Florida was No. 50. He stated that meant they were not spending much on anything, and added that 50%-60% of the State budget went towards education. He stated that after social services, Medicaid, and correctional institutions, they were down to about 10% of the budget. He reiterated there was not much commitment towards mass transit in the State. Senator Geller stated that he had been the author last year of the RTA legislation in an attempt to get additional

Federal funds. He added that he was also on the Transportation Committee and would continue to try and get additional mass transit dollars.

Mayor Naugle stated that the opportunity of being able to acquire a piece of right-of-way or the use of from Jacksonville to Miami to deal with one party would be a great opportunity. He felt that would be the key to solving the gap in the infrastructure dealing with growth. He added they had water capacity and solid waste capacity, and in looking at different infrastructure to accommodate such growth the City was in good shape, but they were woefully short on transportation. He stated that the idea that one party owned a 100' right-of-way and no one used it since the '60's was too good to be true.

Senator Geller stated it was not too good to be true because he had met with them. He stated that he chaired a working group for the Airport/Seaport, and no one above the City's assistant planning level had attended such meetings in the last year or year and a half. He further stated that Hollywood, Dania Beach, Davie and Fort Lauderdale were attending the meetings. The private sector people who attended were the FEC. He explained that he had met with the FEC people specifically on the issue regarding the transportation corridor. He stated it was clear to him they were not interested in selling the right-of-way. They had stated that they were primarily a freight company and intended to remain so. If they could do something where they could make a lot of money that would not interfere with the freight traffic, they would not object to selling to the cities if they met their exorbitant demands.

Commissioner Trantalis asked Senator Geller if he would be in favor of allowing a municipality to charge a sales tax surcharge for transportation. Senator Geller stated it was his understanding that they already had the ability to do a transportation surcharge. Mayor Naugle stated that the County had that ability. Senator Geller stated that on a city level it could become complicated. He stated that he was Chair of a committee which had jurisdiction over all government bills. He advised that the Comprehensive Planning Committee did growth management and local government bills. He explained that his charge last year was to come up with additional methods whereby cities and counties could raise additional funds. He advised that he had not been able to get anything voted out of his committee because they had a very anti-tax legislature. He stated further that nothing would get out of the House. He explained that the Senate was basically a bi-partisan moderate body.

Commissioner Trantalis stated that if growth became a given, and he stated he was not yet ready to accept that, and it could only be accommodated with increased housing which had to be complimented with improved transportation, he asked how municipalities were going to accommodate growth if they did not have the tools to do it.

Senator Geller stated that sometimes people confused what they thought they needed with what was really needed. He further stated that if people were going to come here, they needed to avoid gridlock, but if there was no mass transit supplied people would still live there but their quality of life would decline without adequate transportation systems. He reiterated it was not a necessity of life issue, but a quality of life issue. He reiterated further that the City already had a housing shortage.

Commissioner Moore stated that possibly the most appropriate thing to do would be to reduce the spending available for the Department of Transportation, and force a certain percentage of its budget to be used for mass transit. He stated that possibly they could

further discuss how they could, through the RTA, focus as a Tri-County area and request the legislature to begin appropriating larger chunks of the FDOT budget for mass transit. He felt that would be the only way to get an assemblage process, as well as equipment, for mass transit.

Senator Geller stated there was another source for additional local revenue which he had tried to get through his committee last year, and hopefully with a more reasonable Speaker they would be able to get it through this year. He stated there was the Interstate Compact on Taxation which would permit them to impose taxes on Internet sales. He explained that the business community in Florida was in support of that because they were presently losing revenue, and it was unfair competition. He stated that the Speaker would not even let the Bill be heard. He explained that the State indexed their gasoline tax, and as the price rose the State received more money. He stated further that local governments, which also had gasoline taxes, did not have the same right as the State to index the price of gasoline. He stated that would be a significant help in local government transportation. He stated that his committee had been told last year that it would be DOA, but he hoped that next year such a Bill could be passed.

Senator Geller stated there had been numerous discussions on mandating that a certain percentage go towards mass transit. He stated that one of the political problems was that the road builders were a major political lobby in Tallahassee, and there was no counter-vailing major mass transit political lobby. He explained that the South Florida League of Cities wanted money for mass transit, but some of the rural towns wanted better roadways. He stated that he was a firm believer in mass transit, and would be happy to be supportive of such a recommendation. He announced he was on the Transportation Committee, and the Chairman had already discussed the possibility of earmarking a certain percentage of funds directly for mass transit.

Commissioner Moore reiterated that planning needed to be done right. Senator Geller agreed, and stated that however they were going to plan for growth, it was better to have a State plan than to let it develop haphazardly.

Senator Geller further stated that the big issue happening locally in regard to this matter was a League of Cities issue, and was not a legislative issue. He explained that the League of Cities was upset over the County taking control of their land use, and was a city home rule issue.

Mayor Naugle asked who was presently on the Planning Council, and asked further if it was on the agenda for next week regarding the County affecting Barrier Island development and the RACs. Senator Geller stated that the cities that were not supportive of growth had wanted the ability to control their own growth. He stated that the delegation had so far sided with the cities saying that they should have more control.

Senator Geller stated that annexation was a big issue. He explained that last year he had not permitted any annexations because Senators Dawson and Meadows, along with Representative Smith, had complained that they would be strongly opposed to any annexation of more affluent areas unless the minority areas were included. He stated that this year Senator Dawson had backed off on such a position, so probably there would be annexations taking place this year.

Mayor Naugle stated that the City of Fort Lauderdale had been a model of good government, and they had been the only city which had done a significant amount of annexation.

Senator Geller continued stating that on a State-wide basis, there was a Bill dealing with annexation and it was difficult, and the only reason such a Bill might get passed was because he kept using Broward County as an example of what the rest of the State would become if they were not careful, and no one wanted to be in the position that Broward County was presently in regarding annexation. Unfortunately, he stated what had occurred was that a lot of the tax-rich areas were taken in by the cities 5-10 years ago, and what was left behind were the poorer and residential areas. He stated as an example, when the City took over the Marina Mile area, someone should have said it was okay to do that, but they should also take a part of another area. He stated further that in regard to Pembroke Park they had taken in all the commercial tax base, and left all the residential.

Commissioner Trantalis asked if the City opted out of such a process, what would happen to the unincorporated areas where no city wanted to be part of them. Senator Geller replied that was exactly the problem they were presently facing. He explained that the Town of Pembroke Park spent about 5% of their annual budget on lobbyists via annexation. He stated that there were a lot of areas within the County where no city would voluntarily take the unincorporated areas. He stated that in the short run, they would pass a law pertaining to internal enclaves which would state that if one city completely surrounded an unincorporated area and such area wanted to annex to a city, then that city would have to take in such area. He did not think that would be unreasonable. He felt that would probably be done on a State-wide level.

Mayor Naugle stated that would not be a big deal in Broward County. Senator Geller agreed and further stated there were a few tiny pockets, but no major neighborhoods involved. He stated that in regard to the remaining unincorporated areas, he did not know. He explained that the Legislature had done its best to come up with methods to make the cities take them, and he realized they were not going to be successful.

Commissioner Moore suggested that if they followed the procedure that the committees had discussed over the years and use 2005 as the time line, and make it clear it would sunset giving the municipal entities the opportunity to renegotiate with the County. Senator Geller replied they had already done that with the Partnership Committee. Commissioner Moore stated further that the Partnership Committee had failed this City two years ago when the Broward Delegation stated they would not allow the City to have language that would allow them to make a business decision as to whether they could opt in or opt out of the vote. He stated they had wanted that language in order to review the impact of the governments, if they were to annex the area. He stated if they would have been given such language, he believed they would have had the opportunity to have dialogue with the County who would then have said that they had supplied a good deal of infrastructure, but they needed to operate the County parks and boundaries for a certain number of years in order to balance the budgets. He stated that it was inappropriate of the Delegation to say whether this could happen or not.

Senator Geller stated that he did not recall the details of that matter, but he began to explain the general policy. He explained that State law, according to the committee,

stated that there should, in general, be the essence of whether one wanted to go to a certain area or not. He believed that could be altered.

Commissioner Moore stated that he thought they made rules in the County through the process, and such rules were that an unincorporated pocket must have at least two municipal entities that could be considered. If that was the rule and the cities had the opportunity to opt-into the vote, then they could negotiate with the County, and since the County led the initiative regarding the unincorporated pockets, then the legislative body should step in.

Senator Geller stated that the Partnership Committees were supposed to be bringing together, by area, the different cities which would be potentially affected to decide what should be placed on the ballot. In the particular cases referred to by Commissioner Moore, the problem was that the City of Fort Lauderdale had one issue they wanted to place, and Lauderdale Lakes had a conflicting issue they wanted to place. He stated that instead of putting two conflicting issues on the ballot, he had appointed the Partnership Committee to work out the issue.

Commissioner Moore asked who represented the City in that Partnership Committee.

Bud Bentley, Assistant City Manager, stated that at the time of the meeting Jenni Clark had attended the meetings. Senator Geller stated it was a Commissioner and that he would check on the matter. He further stated they were trying to work things out and they had hoped that the cities could resolve matters among themselves and with the County. He stated that was what the Partnership Committee was supposed to be doing. He suggested that a call be placed to the Broward Delegation to see who the City's representative was on the Committee.

Commissioner Moore stated that the City had stated that it would annex any property to the west of Fort Lauderdale going to SR 441 as long as it was revenue neutral. He continued stating that they were attempting to come up with a recommendation that would allow the unincorporated pockets to know there was one municipal entity that would consider them, and they only had to find a second government that would be interested. He stated that they wanted to be able to opt in and opt out so they could take a close look at the tax impacts.

Senator Geller stated that unfortunately taken as a whole, the entire area was revenue negative. He further stated that when Lauderdale Lakes was thinking of doing that, there was a State analysis done of the tax impacts and it listed the total amount coming in, along with the expenditures, and it showed the area to be negative. He stated that where there were two cities who had conflicting proposals and no agreements were reached, that was the reason for the Partnership Committee.

Mayor Naugle stated that Representative Ryan had made a proposal to the County covering the operating deficit over a 10-year period where the contribution would start high and end up low in order to give the receiving city the chance to raise assessed values, and turn the situation around.

Senator Geller explained that he had spoken with the County on that issue, and stated there was a concern based on the Monet case. He further stated there was a question as to whether or not the County felt they could legally take funds from the

unincorporated areas and use them in the newly incorporated areas. He felt there would be ways to do that, but the County had not yet agreed to such a principle. He explained that was one of the things that the Partnership Committee was to be going over, and ongoing discussions were taking place.

Mayor Naugle stated that the area west of SR 441 (the portion near Davie) was beyond their police radio system, and therefore, was difficult to consider without some sort of additional antenna being provided. He further stated they wanted to consider that area, but there were problems geographically going beyond SR 441.

Senator Geller stated that he felt that area should go to Plantation because he felt they needed for cities to have reasonably defined boundaries. He felt SR 441 was an appropriate boundary between Fort Lauderdale and the City of Plantation. He added that he also felt the Interstates were appropriate boundaries. He stated that some of the maps were beginning to look as bad as the re-apportionate maps.

Commissioner Trantalis asked if any thought had been given to designating the areas as CRAs which could provide financial incentive. Senator Geller replied that such an issue had been discussed, but the County had not been supportive. He stated that any bills pertaining to the CRAs would have to go through the Comprehensive Planning Committee, and he had advised the County that his committee could be the "roach motel" and the bill would check in, but would not check out of his committee. He continued stating that in his opinion the County had not done any good faith negotiation with the cities, and he had advised the County that he would not consider hearing any bills where the County was not engage in good faith negotiations with the cities. If in the future they began undertaking good faith negotiations but things still broke down, then he might hear the bill.

Commissioner Hutchinson stated that they had applied for funding for the River Oaks Water Project and had won the grant, but no funds had been appropriated. Mayor Naugle remarked that the Airport had impacted that area tremendously. Commissioner Hutchinson stated they had a terrible flooding problem. Senator Geller stated he would be happy to try and do that, but they needed to understand that if attorneys treated their trust funds the way the State of Florida treated theirs, everyone would be in jail. He explained that the budget last year was so grim that it was the worst since 1989. He felt it would not be better this year, and could be worse because even though the economy had improved slightly, they had done a lot of one-time revenue fixes last year. He explained they had raided years of accumulated funds.

Senator Geller stated that he understood there was one issue they were opposed to that he was doing. He continued stating that he was working with the Heart Association and was doing a bill requiring police vehicles to carry Automatic Electronic Defibrillators (AED). He stated that sometimes police vehicles arrived prior to the emergency equipment, and AEDs were dramatic life-saving equipment which was expensive, but after amending his bill it would state that it would require they be phased in over a certain period of time. He stated he would permit an alteration of how forfeiture funds were used so they could be used for this equipment. He stated that he was investigating whether they could receive any Homeland Security funds for this, as well.

Bruce Roberts, Chief of Police, stated they had also looked for available grants. He stated that Dade-Metro recently went through some type of grant, but it was not

available to Fort Lauderdale at this time.

Commissioner Moore added that this was an unfounded mandate.

Senator Geller stated he was aware of that, and that was the reason he had mentioned this matter. Commissioner Moore further stated it was no different than their issues with the County in regard to Home Rule. He stated that he thought the idea was wonderful, but he preferred they consider dealing with the Homeland Defense Funds and getting that in position before the legislation was offered. Mayor Naugle stated it was going to be difficult for cities like Fort Lauderdale who had generous benefits in that they allow police officers to have take-home cars, and they would need 3 times as many as they now had. He stated that other entities rotated shifts and the equipment would be used by 3 different officers. Senator Geller remarked that was a good point.

Commissioner Moore stated that if one had forfeiture dollars, those dollars would be utilized in many ways, but if they were talking about expanding the use of monies from the police to deal with such unfounded mandate, would not be appropriate.

Chief Roberts stated that they currently funded some of the school resource officers out of their Law Enforcement Trust Fund because legislative proposals had been that such officers were to be funded from the lottery monies. He stated they received \$12,000 from the Broward School Board towards a \$72,000 expense. He continued stating that the monies could be switched around in that regard so as to free up the trust fund monies so they could be available for such defibrillators.

Otis Latin, Chief of Fire-Rescue, stated that another point was that the officers would have to be trained on that equipment, medical direction would have to be involved, and they would have to figure in such costs.

Commissioner Teel stated that with having been a nurse in the primary care field, she was in full support of having defibrillators available, but when there was no money to purchase them that created a challenge. However, she felt that the general perception among the public was that the more defibrillators there were, the longer one's life would be, and she felt that had some merit for debate. She further stated that when a person came upon someone whose heart had stopped, there were methods that could be used with a person's own two hands. One of those methods was to do a pre-cardial blow which would deliver an electric shot to the heart, and another method was CPR which everyone should know. She felt they got to a period in the evolution of medical devices that relied on such equipment, and depending on who was trying to sell this package, it got unrealistic financially.

Senator Geller stated that this matter was not brought to him by the equipment manufacturer, but was brought forward by the Heart Association. Commissioner Teel reiterated it was not like people were going to die because defibrillators were not readily available. She added they were available everywhere. Mayor Naugle added that the security guards in the building were also trained to use such equipment. Senator Geller stated that he felt there was an agreement that it would be a good idea to have such equipment in the police cars, but the question was the cost. He stated he would work with the City and see what could be done in the matter.

Mayor Naugle suggested that possibly the tobacco money could be used for this. Senator Geller stated that it was clear how they were going to use that money, and they were no longer using it as they were supposed to, but Florida had a balanced budget amendment. He explained they were among the lowest taxed states in the Nation. He stated that he had supported raising additional revenue, and if that was not done then they could not spend extra. Commissioner Moore reiterated that was why they did not want to fund mandates because they also had a balanced budget to address.

Commissioner Trantalis asked where the State ranked in regard to education. Senator Geller stated that Florida had the highest number of high school dropouts. He stated that the Governor had remarked that they were doing better because there was an anomaly in how students were tracked, and the State actually ranked 47th in the Nation and not 50. Senator Geller stated that the numbers varied due to what was included in the ranking. He added that the State had the lowest percentage of high school students entering college. He stated that the State University System was dramatically under funded and they ranked about 45 in funding for education. Mayor Naugle added that some of the best performing school systems were spending the least, and there was not necessarily a relationship between what was spent and the results that were achieved. He added that in Broward County, they were spending over \$10,000 per student.

Senator Geller replied that he believed there was a relationship, but his position was that throwing money at a problem did not solve it. He gave as an example providing more Medicaid payments would not guarantee that there would be better health care, but providing inadequate payments would guarantee inadequate health care.

Bud Bentley, Assistant City Manager, stated that they would like to discuss various matters with Senator Geller, such as the walk-over from the County's comprehensive designation to a city's designation towards annexed areas. Senator Geller replied that he had discussed this issue with the Delegation Attorney Steinfeld, and he had stated they could not do that according to how it was worded. He further explained that in how it was worded, it appeared that they wanted someone to say this was closest or that was, and they could not do that. Mr. Bentley stated they would have a cross-over table zone per zone, and it would be consistent. He further stated they would be willing to work with the Delegation Attorney. Senator Geller stated they had only done that once before and it had been highly controversial. The concern was that anything done would be controversial and it could dim the bill, but he would be willing to work with the City provided there was an actual map supplied. He further stated that the other issue was that anything done, they would still have to grandfather in all existing non-conforming uses.

Commissioner Moore reiterated that he wanted to discuss the CRA issues, and how the County was attempting to control the City's zoning regulations.

Senator Geller stated that he had been trying to explain to the Press that these were League of Cities' issues, but they did not always listen. Commissioner Moore stated that the issue was that the County's efforts in regard to Community Redevelopment Agencies that consisted of slum and blighted areas that were having results, were constantly being fitted one against the other. Senator Geller emphasized there would be no CRA legislation this year. He added that in the future it could be changed if the County negotiated in good faith, but so far they have not done that.

Commissioner Moore stated he wanted Senator Geller to understand that the County was playing a game as if they were making an effort in this matter with the creation of their urban development department. Senator Geller added that the two biggest issues brought by the League of Cities to him were the CRAs and the fight with the County over growth management. He stated he was on board regarding those issues, and it would be "black-flagged/dead" on CRAs for this year. He remarked that he was waiting for the League of Cities to ask him to do something. He stated they were attempting to negotiate with the County in order to get them to back off somewhat and give more authority back to the cities regarding land use. Commissioner Moore stated he felt that the Senator would be asked for assistance.

Mayor Naugle stated that they had briefly spoken about the partial year assessment. Senator Geller stated that the partial year assessment involved some technical and constitutional questions. He stated that one involved substantial completion, and now in front of the Supreme Court was something that stated if a project was 40% completed, they would pay 40% of the taxes, but it would not be partial year. He felt that would do more for the cities than partial year. Commissioner Moore reiterated that it would do more, but it was not going to happen. Senator Geller reiterated that issue was presently in front of the Court because the District Court of Appeals had already ruled that was how taxing was to be done. Commissioner Moore stated he did not differ with the process, nor the judicial position, but he was concerned about the property appraisers doing evaluations of the properties. He explained that in last year's budget the ad valorem had been adjusted and it had impacted the budget by \$1 Million. Commissioner Moore felt there needed to be some methodology for this. Senator Geller stated that he had historically voted to give local governments, and would continue to do so, the ability to raise revenue. He remarked that they were closer to the citizens of the city than he was because he represented approximately 475,000 people.

Mayor Naugle reiterated that they consistently raised taxes, but there were "freeloaders" getting a "free ride," and they needed to capture those dollars. Commissioner Moore stated that they needed something to correct legislation that would state that once the appraiser gave his figure that would be it. Mayor Naugle added that the property appraisal adjustment had the ability to lower the assessments. Commissioner Moore asked how they could be expected to project to operate this government when an adjustment was done mid-year, and the tax was aborted which had been budgeted. Senator Geller stated they needed to budget reserves. Commissioner Moore stated they would then have to raise taxes more in order to create the reserve for the adjustments. He stated that would not be good.

The City Attorney stated there was a simple solution, and that was that the Value Adjustment Board never finishes on time.

Senator Geller placed a call to the Staff Director for the Senate Finance and Tax Committee. He explained that he was meeting with the Fort Lauderdale Commission and stated that one of the issues raised was partial year assessments. He continued stating that he recalled there was presently an issue in front of the Florida Supreme Court which dealt with the substantial completion issue, but he could not recall the details and asked if further information could be supplied.

The Staff Director stated that the issue had been "loop-de-loop" through the Courts, and the genesis was that Joel Robbins in Dade County had a lawsuit against the taxpayer

when he had placed a property on the tax roll (he believed it was a hotel) and it was not complete or ready to be used, and according to the Florida Statutes it would not be placed on the tax roll. It appeared that ultimately Mr. Robbins had prevailed and the Appellate Court stated, in no uncertain terms, that the statutory provision was unconstitutional and the fair market value of the partially completed property should be put on the tax roll. He explained it was still in limbo due to legal technicalities.

Senator Geller asked what was the question which was in front of the Supreme Court. The Staff Director stated it was whether or not the appraiser could use the fact that the Statute was unconstitutional to deny the taxpayer the statutory tax break. Senator Geller asked if the provision stated they did or did not get the tax break. The Staff Director replied that the Statute put in place by the Legislature stated that real property did not go on the tax rolls until it was substantially complete. Senator Geller asked what if that was ruled unconstitutional. The Staff Director explained that everything would go on the tax rolls on the assessment date of January 1st at fair market value. Senator Geller stated he believed that the Staff Director had stated that the Court was more likely to rule that the Statute was unconstitutional. The Staff Director stated that the Appellate Court decision seemed to have gone to great lengths to "nail the coffin shut." Senator Geller asked if they knew when this matter was to be heard. The Staff Director replied he did not know when that would happen, and added that the issue in front of the Court was in regard to the standing, and not the provision itself. Senator Geller asked when there might be a final resolution so the City of Fort Lauderdale could begin taxing. The Staff Director stated that no one was holding their breath, and added that some big players were involved regarding the same issue, but in a different guise regarding tangible personal property which primarily involved utility properties. He added there were similar issues regarding pollution control equipment. He reiterated there were big players sitting on the sidelines with vested interest in the outcome.

Commissioner Moore asked for the City Attorney to continue with his answer in regard to how this had hit the City's budget like it had last year. The City Attorney stated they continued working after the timeline set by the Statute, and added that the Value Adjustment Board was the School Board and the County Commission. He stated there were Special Masters to hear most of the cases, and they were not done until about November or December. Commissioner Moore stated that was illegal. The City Attorney explained they were to be done by the end of September. He added that if the Legislation stated that no changes were to be made after the deadline, then it would be over and done with.

Senator Geller stated the problem was that if someone had an incorrect assessment and they appealed such assessment in a timely fashion, and the County failed to act on the Appeal in a timely fashion, then they could not hold the property owner responsible. He stated that in principle they had to have the due process rights of the Appellants preserved, but possibly something could be done and he would work with the attorney for the League of Cities and see if there was anything that could be worked out to resolve the issue. He stated the problem was not on the part of the person that was timely appealing their taxes, the problem was that the School Board and the County were not acting in a timely fashion.

Commissioner Moore stated they needed to hire more individuals to hear the cases. The City Attorney stated if they did not act in a timely manner, then the property owner would win. He added that they did not hire enough Special Masters to hear the cases.

Commissioner Moore added they had an accountability issue to hire a number of people to get a job done.

Commissioner Teel stated that street vending was one of the most often discussed topics in her district meetings, and asked if there was anything that could be done regarding this issue. Mayor Naugle remarked that this dealt with public safety. The City Attorney stated that the City of Hollywood attempted to enforce the State Statute. Senator Geller stated they had already made it a non-criminal offense, and the question was whether jail time could be added. The City Attorney stated that the newspaper had challenged the City of Hollywood, and basically they had settled the case and gave in to the rule that they could not be out there.

Chief Roberts stated that Hollywood had recently won their court case, and they were preparing for the Commission a Friday memo regarding enforcement used by Hollywood using existing statutes. He stated they had held off in regard to this matter because they were waiting to see the outcome from Hollywood. He explained it might be a moot issue based on the recent Court decision. Senator Geller stated if it was moot, they should bring it up next year. Commissioner Teel added they had been fighting this for more than 10 years.

Commissioner Trantalis asked about the increase in penalty regarding loud exhaust violations. He asked what would be the best remedy to eliminate this problem. He stated that the Law Enforcement Department had indicated that their hands were tied due to how the Statute was written. Senator Geller stated that there was no chance of passing a bill that would give points on traffic tickets for driving with loud mufflers. He added that he served on the Criminal Justice Committee and Transportation Committee, and knew the general attitude of the legislators, and he did not believe there would be a chance of making it a point infraction. He felt unless it affected safety, nothing would be done. Commissioner Trantalis asked what other alternatives were available. Senator Geller asked if they had the ability to collect on the tickets currently being issued.

Chief Roberts stated they went through the County Clerk's Office, and when people went to Court and showed proof of adjusting the mufflers nothing was paid. He stated it was a whole non-point infraction, but it was a community concern. He reiterated it was a problem that could not be solved criminally due to the Statute. Senator Geller stated he would work with the City on other non-point recommendations. He added that he saw that the City wanted additional ability to collect code enforcement fines.

Chief Roberts further stated that they would like to work with the Senator on issues relating Homeland Security. He stated that some of the items were relatively new such as transport tracking, and he thought that a western State was about to enact a similar statute. Mayor Naugle stated that such a device was presently installed on the police cars and it was inexpensive. Senator Geller stated there was no such legislation pending, but stated they could work with Sheriff Jenne to send him language, and he would be happy to work on the matter. He added that most of his bills had already been drafted. Chief Roberts added they also wanted to work with the Senator regarding identity theft which was also related to Homeland Security. Senator Geller stated that Florida had been in the forefront in regard to passing identify theft provisions.

Mr. Bentley asked if there was a chance for red-light cameras this year. Senator Geller replied there was no chance. He added that there was an interesting coalition of

conservatives and liberals that joined together to oppose this because they referred to it as "Big Brotherism." He stated the question was if people were going to be charged for running traffic lights, one of the questions was the funding source. He further stated that a private company would supply the cameras and were asking for 10% of the funds collected, but the question was did they have the ability to alter the perception of when the light turned red in order to increase their revenue. He stated they would need two cameras because one would take a picture of the license tag, and the other would take a picture of the driver. If they could not show who was driving, then they could not issue the ticket and that was the problem. In Florida, there was no law that said one had to report a crime, other than child abuse and some others. He reiterated that the bill had been resoundingly defeated last year, and the committee was presently the same, so there would be no chance for it again this year.

Mayor Naugle asked about the \$200 filing fee. Senator Geller stated that he had been informed that the matter would be fixed this year.

Senator Geller stated that the last time he attempted to bring up the code enforcement issue, it had been defeated. He stated that the black caucus had been in opposition to the bill because there were a lot of homeowners who owned multiple properties and they did not want to lose them. The concern was that this would affect a lot of small landowners. Commissioner Moore stated that he hoped they would listen to the black caucus regarding other issues, as well. He thanked the Senator for today's meeting and felt it was a great idea.

Senator Geller reminded everyone that they could call him at any time and stated the best place to reach him was at his law office during Session, and the number was (954) 920-2300. He added his Senate Office number was (850) 487-5097.

Joint meeting with Senator Geller adjourned at 2:10 p.m.