# VILLAGE OF ESTERO, FLORIDA

## VILLAGE COUNCIL MEETING
## MARCH 17, 2015

## REQUEST FOR VILLAGE COUNCIL CONSIDERATION

| | |
|---|---|
| Agenda Item:<br>9. (B) | Prepared By: Roger Strelow, ECCL |
| Agenda Section:<br>Council Business | |
| Subject: Resolution Confirming the Appointment of An Interim Village Attorney | |

BACKGROUND:

**The Charter for the Village Of Estero states that there shall be a Village Attorney who serves as chief legal advisor to the Council, Village Administrators, departments, and agencies.**

**After working with Former Senator Burt Saunders of the law firm of GrayRobsinson, since the inception of the incorporation of the Village of Estero, and with his vast experience in local government, and as Collier County Attorney, Dade County Assistant Attorney and local City Attorney, it is recommended that the Village of Estero retain Burt Saunders with the law firm of GrayRobinson to act as Interim Village Attorney.**

FUNDING SOURCE / FISCAL IMPACT:
Rates/Agreement as proposed and approved by Council

RECOMMENDATION:

Approve Resolution confirming _____as Interim Village Attorney.

POTENTIAL MOTION:

I make a motion to approve the resolution confirming the appointment of _____ as Interim Village Attorney; and authorizing the Mayor to execute Agreement.

From: **Daphnie Bercher** Daphnie.Bercher@gray-robinson.com
Subject: City Attorney Budgeted Amounts
Date: January 22, 2015 at 3:58 PM
To: NICHOLAS BATOS mrnbjr@aol.com
Cc: BURT SAUNDERS Burt.Saunders@gray-robinson.com

---

Hi Nick,

Below are the 2014-2015 budgeted amounts for City Attorney/Legal Expenses for area municipalities.

| | |
|---|---|
| Sanibel | $573,682 |
| City of Ft. Myers | $1,010,300 |
| Bonita | $444.930 |
| Fort Myers Beach | $190,400 (there may be more legal related expenses listed in a different section of the budget) |
| Cape Coral | $1,044,592 |
| Marco Island | $300,000 |
| Naples | $526,411 |

**Daphnie Bercher | Independent Contractor Paralegal**
GRAY | ROBINSON

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Facebook | LinkedIn | Twitter

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Relationships. Resources. Results.

# Prepared for:
# The Village of Estero

*Proposal for Legal Services*

**Presented by:**

Burt L. Saunders
GrayRobinson, P.A.
8889 Pelican Bay Boulevard
Suite 400
Naples, FL 34108
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# Letter of Transmittal

February 4, 2015

Mr. Nick Batos, Chairman
Estero Council of Community Leaders
P.O. Box 424
Estero, FL 33929

Re: Village of Estero
Proposal for Legal Services

Dear Mr. Batos:

The law firm of GrayRobinson, P.A. (the "Firm") is pleased and honored to submit our proposal to provide legal services for the Village of Estero. The attached proposal provides information regarding our Firm's attorneys and experience representing government entities. As discussed herein, our Firm has extensive experience in government representation at the municipal, county and state levels and is uniquely qualified to serve as the Village Attorney for the Village of Estero. What separates our firm from others is that we provide the convenience and practicality of a local law firm with the vast resources and experience of a statewide law firm.

Former Senator Burt Saunders will serve as lead attorney for the Village of Estero. He will oversee all aspects of the assignment and will be the primary point of contact for this engagement. Mr. Saunders served as a Dade County Attorney prior to becoming the Collier County Attorney from 1982 through 1986, when he was elected to the Collier County Commission. After serving 8 years on the County Commission, Mr. Saunders was elected to the Florida House of Representatives and subsequently to the Florida Senate in 1998, where he served until term limited out in 2008.

Mr. Saunders not only can assist the Village with specific legal issues generally addressed by a city attorney, Mr. Saunders can also assist the Village with any issues involving Lee County and the executive and legislative branches of Florida government. Please note the Florida legislative lobbying successes Mr. Saunders and the firm have had over the past few years.

Additionally, Mr. Saunders has a great deal of local government experience and will work diligently to keep legal costs to a minimum. He understands the need to provide the best legal advice possible, but is mindful of the fact that the expenditure of public funds must kept to a minimum.

Gray Robinson is a large and diverse Florida law firm. With nearly 300 lawyers in 12 cities across Florida, GrayRobinson can provide expertise in all legal areas that may be relevant to the operations of the Village of Estero.

You will see from the experience and clients listed in the proposal, that GrayRobinson has the talent and resources to address any issues that may arise out of the operation of local government.

Thank you for the opportunity to submit this proposal for legal services.

Sincerely,

GrayRobinson, P.A.

Burt L. Saunders, Shareholder
For the firm

_____

# Our Firm

## Lead Attorney

Burt L. Saunders
GrayRobinson, P.A.
5551 Ridgewood Drive
Suite 101
Naples, FL 34108
Phone: 239-598-3601
Fax: 239-598-3164
burt.saunders@gray-robinson.com

Lead Attorney, former Senator Burt Saunders, has a great deal of experience both in representing governmental entities and serving in public office. In addition to his other lobbying clients, he is currently representing Lee County as the Lead Lobbyist and Collier County as Co-Lobbyist. Burt has served as a Dade County Attorney, Collier County Attorney and City Attorney for the City of Marco Island. Additionally, he served in the Florida Legislature for 14 years and is very familiar with the legislative process.

With Burt in the GrayRobinson Naples Office, GrayRobinson can quickly respond to any needs of the Village of Estero including meetings and workshops.

## Firm Overview

GrayRobinson, a full-service corporate law firm with nearly 300 attorneys throughout 12 offices across Florida, provides legal services for Fortune 500 companies, emerging businesses, lending institutions, local and state governments, developers, entrepreneurs and individuals across Florida, the nation and the world. We offer not only breadth across a great many legal specialties, but depth and proficiency in each one as well.

Being one of Florida's fastest-growing law firms, our attorneys are at the forefront of emerging legal issues and work expeditiously on behalf of our clients and respond quickly to their needs. We have invented a better brand of law firm that best serves our clients and our communities while counting creativity as a hallmark characteristic and insisting on ingenuity and innovation.

## Client Service

GrayRobinson is committed to providing our clients with legal services that will assist them in accomplishing their business objectives. To ensure the highest client satisfaction, we conduct post matter reviews with clients to determine if their objectives were met and that expectations were exceeded. We also keep abreast of changes within the client's industry and will periodically issue electronic alerts (E-lerts) to clients advising them of changing regulations and how new regulations might impact their company.

## Attorney Recognitions

GrayRobinson attorneys are recognized for their legal services by leading publications that conduct annual reviews within the legal industry.

- In 2014, GrayRobinson was recognized by *Law360* as one of the seven Florida Powerhouses in the publication's inaugural Regional Powerhouses series;
- In 2014, Five GrayRobinson offices and 33 practice groups were named to the *U.S. News & World Report Best Lawyers* 2015 "Best Law Firms" list;
- In 2014, 64 attorneys were listed as *Best Lawyers®* and of those attorneys, six were named *Lawyer of the Year*;
- In 2014, 23 attorneys were recognized by *Florida Trend*'s Legal Elite;
- In 2014, 58 attorneys were named Florida *Super Lawyers* and another 18 were named Florida *Super Lawyers* "Rising Stars";
- In 2014, 22 attorneys and 7 different practice groups were recognized by *Chambers USA*. (Chambers & Partners issue publications that list the top lawyers in 175 countries, based on 14,000 interviews conducted by Chambers researchers);
- In 2014, GrayRobinson's Tampa litigation team was named "Litigation Department of the Year" by the *Daily Business Review*;
- In 2014, GrayRobinson was awarded "Top Law Firm" and 15 "Top Lawyers" by *South Florida Legal Guide*; and
- In 2013, GrayRobinson was named a "Go-To Law Firm" for Fortune 500 Companies by ALM, the publisher of *Corporate Counsel* and *The American Lawyer*.

The Martindale-Hubbell Law Directory has also given GrayRobinson its highest rating: AV® which is based on case results and confidential recommendations from lawyers and judges that have worked with our attorneys.

# Firm History

- GrayRobinson's strength is built upon the collective histories of our offices across the state. Our roots run deep in each community we serve. As we have expanded across Florida, we have added to the foundations laid by prestigious law firms in Boca Raton, Fort Lauderdale, Gainesville, Jacksonville, Key West, Lakeland, Melbourne, Miami, Naples, Orlando, Tallahassee and Tampa.

- We have forged our own path, creating a firm that best serves our clients and our communities. As we have grown, we have remained committed to keeping small-firm qualities, including the ability to work expeditiously on behalf of our clients and respond quickly to their needs. In addition, we have promised to work with conviction and compassion and to embrace our community as a matter of mission as well as passion.

- **In 1970**, Richard Adams, Charles Gray, Gordon Harris and Richard Robinson join their practices to become Gray, Adams, Harris & Robinson P.A.

- **In January 1990**, the firm expands its presence on Florida's Space Coast by merging with Kirschenbaum and Peeples, an established Brevard County firm.

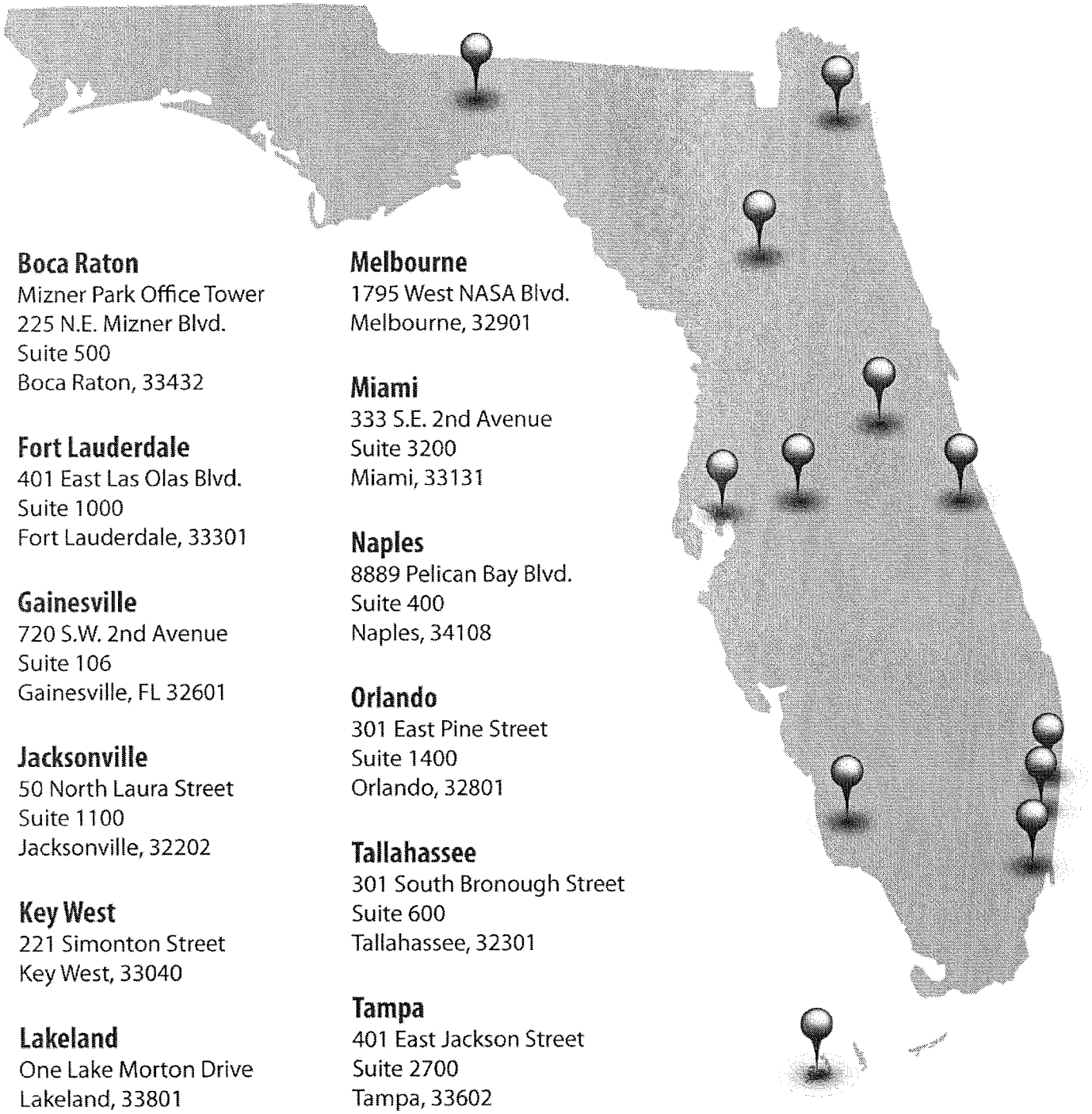
- **In January 1996**, GrayRobinson merges with the Melbourne firm of Nohrr & Nohrr. A few months later, the firm moves its Brevard County headquarters to Melbourne.
- **In February 1996**, the firm continues its statewide expansion, establishing an office in Tallahassee to create a permanent presence in the state capital and further expand the firm's state governmental practice.
- **In August 2000**, the firm adds more depth to the firm's capabilities and expertise in the state's capital by adding six additional attorneys to the Tallahassee office.
- Expanding into the Tampa market in **September 2000**, the firm merges with Shackleford, Farrior, Stallings & Evans, a firm with nearly a century of history in Tampa. The merger solidifies the combined firm's presence along the "Interstate 4 Corridor" - a magnet for a number of new companies and industries.
- **In January 2001**, GrayRobinson merges with Lane, Trohn, Bertrand & Vreeland. Formed in 1926, it is one of the largest firms in Lakeland.
- **In December 2003**, GrayRobinson establishes its Key West office.
- **In August 2004**, GrayRobinson opens its office in Naples.
- **In November 2004**, GrayRobinson opens its Jacksonville office.
- **In June 2005**, the firm opens its office in Fort Lauderdale.
- **In October 2007**, the firm continued its strategic expansion across Florida, with the opening of its Miami office.
- **In January 2013**, GrayRobinson opens its Gainesville office, strengthening the firm's Central Florida presence.
- **In April 2013**, the firm strengthened its position in South Florida by announcing its formal partnership with Siemon & Larsen. The firms officially opened the doors to a new GrayRobinson office in Boca Raton.
- **In November 2013**, GrayRobinson announced its acquisition of Hirschhorn & Bieber, P.A., a Miami-based criminal and civil white collar defense law firm. Hirschhorn & Bieber formed on January 1, 2000 and represents clients in criminal and civil white collar defense litigation.
- By continuing to add key personnel and enhance services in each of its locations, GrayRobinson has stayed well ahead of the curve in meeting the needs of business and government users of legal services. Today - with its foundation firmly grounded in the community and its vision focused on the future - GrayRobinson continues to be a major player in the state's dynamic growth.

## Quick Facts

- Founded: 1970
- Attorneys: nearly 300
- Offices: 12
- Boca Raton
- Fort Lauderdale
- Gainesville
- Jacksonville
- Key West
- Lakeland
- Melbourne
- Miami
- Naples
- Orlando
- Tallahassee
- Tampa

GRAY | ROBINSON
ATTORNEYS AT LAW

## GrayRobinson Offices



**Boca Raton**
Mizner Park Office Tower
225 N.E. Mizner Blvd.
Suite 500
Boca Raton, 33432

**Fort Lauderdale**
401 East Las Olas Blvd.
Suite 1000
Fort Lauderdale, 33301

**Gainesville**
720 S.W. 2nd Avenue
Suite 106
Gainesville, FL 32601

**Jacksonville**
50 North Laura Street
Suite 1100
Jacksonville, 32202

**Key West**
221 Simonton Street
Key West, 33040

**Lakeland**
One Lake Morton Drive
Lakeland, 33801

**Melbourne**
1795 West NASA Blvd.
Melbourne, 32901

**Miami**
333 S.E. 2nd Avenue
Suite 3200
Miami, 33131

**Naples**
8889 Pelican Bay Blvd.
Suite 400
Naples, 34108

**Orlando**
301 East Pine Street
Suite 1400
Orlando, 32801

**Tallahassee**
301 South Bronough Street
Suite 600
Tallahassee, 32301

**Tampa**
401 East Jackson Street
Suite 2700
Tampa, 33602

**800-338-3381**

## GrayRobinson's Commitment to Diversity

### *Diversity*

We are committed to excellence and we recognize that diversity of ideas and experiences is critical to fulfilling our commitment. That commitment is demonstrated in many ways: by our employment practices and policies which ensure equal opportunity and foster a discrimination and harassment free workplace; opportunities for advancement to shareholder for women and minority lawyers; and our active recruiting efforts at law schools. We continuously review our recruiting, hiring, mentoring and training practices and initiatives. Our Diversity Committee, headed by Marlene Quintana, is charged with recommending specific action that may be taken to achieve the Firm's diversity objectives and goals.

Many members of the Firm participate in leadership roles within organizations that seek to advance and promote diversity in the workplace, including:

- Mayanne Downs – Named 2014 Woman of the Year by the *Orlando Business Journal* and honored with the Rosemary Barkett Outstanding Achievement Award in 2013 from the Central Florida Association for Women Lawyers.
- Marlene Quintana – Past President of the Cuban American Bar Association in Miami and former member of the Board of Directors. CABA is one of the largest minority bar associations in the country. Marlene Quintana was also selected as the "2014 Florida Most Powerful & Influential Woman Award" Recipient by the National Diversity Council.
- Leyza Blanco – Co-chair of the International Women's Restructuring Confederation's Florida Network. She also serves as the Florida Bar Association Business Law Section Diversity Committee Vice-Chair.
- Grace Yang – Named to the 2013 Lawyers of Color (LOC) inaugural Hot List.
- Sarah Reiner – Past President of the Orange County Association of Women's Lawyers.
- Gary Resnick – Member of The Florida Bar's Diversity and Inclusion Committee.
- Rebecca Rodriguez – Member of Hispanic Unity of Florida.

We also have attorneys who are part of the Women's Chamber of Commerce, the Jewish Community Center, Collier County Women's Bar Association, Hillsborough Association of Women Lawyers, the Central Florida Association of Women Lawyers, the American Israel Public Affairs Committee (AIPAC), the Hispanic National Bar Association and the Cuban American Bar Association, among other associations that promote diversity in the legal profession.

#### *Leadership Council on Legal Diversity*

GrayRobinson is a founding member of the Leadership Council on Legal Diversity. The Leadership Council, formed in 2009, is an organization of corporate chief legal officers and law firm managing partners dedicated to creating a truly diverse legal profession. The Council is committed to eliminating the impediments which preclude minorities and women from having an opportunity to perform, to succeed and to lead. GrayRobinson's membership and participation in the Council is affirmation of our commitment to diversity in the legal profession.

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## *Community Commitment*

As a Firm deeply rooted in Florida, we believe in supporting and giving back to the communities in which we live and work each day. Innovative programs like Casual Day for a Cause has begun a tradition where employees have given generously to any number of food distribution centers, homeless shelters, children's homes, animal and wildlife charities, crisis centers, educational programs, programs for the elderly, programs for the handicapped or children facing terrible diseases, to name but a few. Since its inception, our employees have raised over $425,000.00 for important charities. In addition, Firm employees select organizations each holiday season to support by delivering toys and household necessities. The Firm also supports a number of organizations throughout the year, including, but not limited to:

- American Cancer Society
- Ann Storck Center
- Best Buddies
- Boy Scouts of America
- Civilian Military Community Foundation
- Festival of the Arts Boca
- Humane Society of Greater Miami
- Joe DiMaggio Children's Hospital Foundation
- Junior Achievement
- March of Dimes
- Miami Bridge Youth and Family Services
- Senior Friendship Center
- United Way of Miami-Dade

## Assignment of Attorneys

If selected to serve as Village Attorney for the Village of Estero, GrayRobinson will utilize a "team" approach to staff the representation. Burt Saunders, as the lead attorney for Estero and with the other GrayRobinson attorney team members, undeniably has the experience and expertise to provide – cost effectively – all the legal services needed by the Village of Estero.

Burt, in the Naples office, will be the first line of communication for all matters, will attend all required Village Council meetings, and will ensure that legal work is handled or assigned to the appropriate team member and is completed effectively, efficiently and promptly. Burt will provide or oversee all legal services needed by the Village Council. He will have the assistance of an attorney in the Naples office, as well as required paralegal assistance, to help with legal matters on an as needed basis. Additional team members include Thomas A. Cloud, Amy Garrard, Lowell Walters, Frank Fleischer, and Derek Rooney.

In addition to the Village of Estero team member's expertise, Burt will have the ability to call upon the vast experience and qualifications of nearly 300 GrayRobinson attorneys. These attorneys come from various professional backgrounds, including government, private industry, and law firms. This proposal summarizes in detail the experience and expertise of several GrayRobinson lawyers who will assist, from time to time, with the countless legal issues that can affect the Village.

## Municipal Law Experience

Throughout the course of its history, GrayRobinson's consistent and exceptional representation of governmental clients has served as the bedrock of its business model. This team possesses extensive experience and expertise in local government law, litigation, legislative and agency lobbying, code enforcement, real estate law, commercial transaction law, taxation and public finance, and construction law. The firm developed these skills initially while serving as the Orange County Attorney during the 70s and 80s. Since that time, the firm has represented governments, businesses, and individuals in thousands of federal, state, and local matters.

The list below outlines those public entity clients currently or recently represented by GrayRobinson.

| | |
|---|---|
| American College of Physician Executives | Lake County |
| Baker County Property Appraiser | Lakeland Downtown Development Authority |
| | Lee County |
| Barefoot Bay Recreation District | Leon County |
| Bay County | Levy County School Board |
| Bay County Tax Collector | Madison County Property Appraiser |
| Bay Medical Center | Manatee Community College |
| Bradford County District School Board | Manatee County Property Appraiser |
| Bradford County Tax Collector | Manatee County School District |
| Brevard County Contractors' Licensing Board | Manatee County, Florida |
| Brevard County Clerk's Office | Marion County |
| Broward Sheriff's Office | Melbourne Airport Authority |
| Canaveral Port Authority | Miami Community Redevelopment Agency |
| Charlotte County Property Appraiser | Miami-Dade County Public Schools |

| | |
|---|---|
| Charlotte County Tax Collector | Monroe County |
| Central Florida Regional Transportation Authority (LYNX) | Monroe County Clerk of Court |
| Citizens Property Insurance Corporation | Monroe County Tax Collector |
| Citrus County | Monroe County Property Appraiser |
| Citrus County Property Appraiser | Munroe Regional Health System |
| City of Boynton Beach | Naranja Lakes Community Redevelopment Agency |
| City of Bunnell | North Brevard Country Hospital District |
| City of Cape Coral | North Brevard County Hospital District, d/b/a Parrish Medical Center |
| City of Coconut Creek | North Broward Hospital District, d/b/a Broward Health |
| City of Coral Gables | North Miami Beach Community Redevelopment Agency |
| City of Deerfield Beach | North Miami Community Redevelopment Agency |
| City of Deland | North Naples Fire Control District |
| City of Doral | Orange County |
| City of Dunedin | Orange County Library District |
| City of Ft. Meade | Orange County Property Appraiser |
| City of Ft. Myers | Orange County Sheriff, Office of |
| City of Groveland | Osceola County Tax Collector |
| City of Hialeah | Palm Bay Utilities |
| City of Hollywood | Palm Beach State College |
| City of Key West | Pasco County Medical Center |
| City of Kissimmee | Pasco County Property Appraiser |
| City of Lakeland | Pasco County School Board |
| City of Largo | Pasco County, FL |
| City of Longwood | Pinellas County Housing Authority |
| City of Melbourne | Pinellas County Sheriff's Office |
| City of Miami | Pinellas Suncoast Transit Authority (PSTA) |
| City of Miramar | Polk County |
| City of Naples | Polk County Tax Collector |
| City of North Miami | Putnam County Property Appraiser |
| City of North Miami Beach | Ringling College of Art and Design |
| City of Ocoee | Sarasota Manatee Airport Authority |
| City of Orlando | Sarasota Memorial Hospital |
| City of Oviedo | Sebastian Inlet District |
| City of Palm Bay | Secretary of State for Foreign & Commonwealth Affairs |
| City of Pembroke Pines | Seminole County Property Appraiser |
| City of Pinellas Park | Seminole State College of Florida |
| City of Pompano Beach | South Bay Community Development District |
| City of Port St. Lucie | South Broward Hospital District d/b/a Memorial Health System |
| City of South Pasadena | Southwest Florida Water Management District |
| City of St. Pete Beach | St. Johns County Property Appraiser |

| | |
|---|---|
| City of Tampa | St. Lucie County |
| City of Valparaiso | St. Lucie County Clerk of Court |
| City of Wauchula | St. Lucie County Property Appraiser |
| City of Winter Park | St. Lucie County Tax Collector |
| Clearwater Cay Community Development District | St. Petersburg College |
| Collier County | |
| Eastern Florida State College | Tampa Bay Water |
| Emerald Coast Utilities Authority | Tampa Port Authority |
| Escambia County Tax Collector | Taylor County Property Appraiser |
| First Florida Governmental Financing Commission | Taylor County Supervisor of Elections |
| Flagler County Property Appraiser | Taylor County Tax Collector |
| Florida Agricultural and Mechanical University (FAMU) | Tohopekaliga Water Authority |
| Florida Department of Financial Services, Division of Risk Management | Town of Atlantis |
| Florida Department of State | Town of Belleair |
| Florida Gulf Coast University | Town of Howey-in-the-Hills |
| Florida Hospital College of Health Science | Town of Lantana |
| Florida House of Representatives | Town of Manalapan |
| Florida Insurance Guaranty Association | Town of Medley |
| Florida Keys Mosquito Control District | Town of Melbourne Beach |
| Florida Lottery | Town of Montverde |
| Florida Prepaid College Foundation, Inc. | Town of Palm Beach |
| Florida State College at Jacksonville | Town of South Palm Beach |
| Florida State University | Town of Surfside |
| Florida State University Research Foundation, Inc. | Town of Windermere |
| Gilchrist County School Board | University of Central Florida |
| Hallendale Beach Community Redevelopment Agency | University of Florida Board of Trustees |
| Health Care District of Palm Beach County - District Hospital Holdings, Inc. d/b/a Lakeside Medical Center | University of North Florida |
| Hideaway Beach District | University of South Florida |
| Highlands County Tax Collector | University of South Florida Research Foundation |
| Hillsborough Area Regional Transit (HART) | Valencia College |
| Hillsborough County School Board | Village of Palm Springs |
| Indian River State College | Village of Palmetto Bay |
| Jackson County Property Appraiser | Volusia County Schools |
| | |

# Relevant Experience

In additional to legal services, GrayRobinson is retained to lobby the Florida legislature on behalf of many municipal clients. Historically, *Florida Trend* rates GrayRobinson as a top Florida lobbying firm. Of these firms, ours is the only firm that is also a full-service practicing law firm. While our firm takes pride in this kind of success, achieving it has become increasingly more difficult in Tallahassee. Simply, many lobbyists will claim to have the necessary "access" to the legislators, but in reality, they do not. The GrayRobinson team does and takes pride in offering a level of access that many, most, cannot provide. The legislators are only in Tallahassee for 60 days, while some lobbyists are there the full 365. Our team takes pride in being in these legislators' communities the other 305 days of the year by leveraging the resources of our twelve offices across the state. We are not just lobbyists in many of the legislators' eyes – we are constituents. And that, with the hard work our team puts into representing our clients, leads to successes year in and year out.

Below you will find a description of major successes from the past three years. We do not take for granted that the legislature will "rubber stamp" any of our clients' asks and needs and we therefore always strive to go the "extra mile" (implementing all of the maxims described in greater detail below) in order to best position our clients for success.

## Successes in 2014

- On behalf of the **City of Key West** we secured $50,000,000 to the Florida Keys Wastewater Treatment Plan and successfully lobbied for the passage and approval of legislation that designated the *Schooner Western Union*, currently harbored in Key West, as the official Flagship of the State of Florida. This designation will bolster tourist visits to the City of Key West and enhance our State's capitol walls.
- On behalf of the **City of Orlando** GrayRobinson lobbied for economic development, transportation, home rule, and public safety issues.
- On behalf of the **North Broward Hospital District** and **South Broward Hospital District** we monitored/lobbied legislation on numerous hospital/health care issues including, but not limited to: certificate of need legislation, ambulatory surgical centers, claim bills, tort reform and trauma centers.
- On behalf of **Collier County**, we worked on an economic development project called the Collier County Soft Landing Accelerator in the amount of $2.5 Million. We also secured funding for the **University of Florida** IFAS center in Immokalee for agricultural research.
- On behalf of **Lee County**, we successfully added to the budget five water projects totaling $2.7 Million. In addition, we solicited FGCU to assist in the funding of the Emergent Technologies Institute in the amount of $7 Million. This is a joint FGCU / Lee County economic development and research project.
- On behalf of the **Canaveral Port Authority** we passed a local bill to update the special act under which the port is created/empowered.
- For the **City of Orlando** we successfully passed the pro sports stadium legislation.

## Successes in 2013

- **Bringing Professional Sports to Florida** - On behalf of the **City of Orlando and Orlando City Soccer,** we advanced a proposal to modify Florida's economic incentive approach to professional sports while simultaneously paving the way to bring professional soccer to Florida.
- **Funding for Infrastructure** - On behalf of the **City of Oviedo,** we leveraged relationships within the FDOT to secure and expedite state funding for a major road project in the city that lacked sufficient dollars to complete Phase 1 and begin Phase 2.
- **Additional Funding** - For the benefit of **Naples Community Hospital**, we successfully lobbied for and obtained proviso language which secured additional funding.
- **Additional Funding** - On behalf of **North Naples Fire Control and Rescue District**, we blocked attempts to delete line item funding and successfully secured $150,000 for the area's Hazmat team.
- **Expanded Tax Refund Programs** - On behalf of **Lockheed Martin,** we passed legislation that removed the lifetime caps in the Qualified Defense and Space Contractor Program and the Qualified Target Industry Tax Refund Program.
- **Resolving Budget Issues** - For **Collier County Clerk of Courts,** along with the Florida Clerk of Courts lobbying team, we successfully lobbied the Legislature to provide a long-term resolution to the state Clerk of Court's budget issues.
- **Increased Funding** - Lobbied successfully for a $1,000,000.00 appropriation for **Florida's Vision Quest, Inc. (FVQ),** a Florida not-for-profit that provides free eyeglasses and exams to needy children. FVQ partners with school personnel and county health departments to identify at-risk children in need of vision care.
- **Shands Teaching Hospital & Clinics, Inc.** - Successfully lobbied for appropriation of $14 million in diagnosis-related groups (DRG) transition dollars to aid in Medicaid reform expansion.
- **Associated Builders and Contractors of Florida (ABC of Florida)** – We successfully passed two major priority bills that for years had languished in the legislative process prior to our engagement. The first modifies existing public safety statutes to create a uniform statewide identification badge for non-instructional personnel on school grounds. The bill increases safety for students/teachers, provides predictability for businesses, and saves taxpayer dollars by cutting duplicative regulation. The second bill establishes a uniform set of standards and criteria for the establishment of Public Private Partnerships (PPPs) at political subdivisions around the state. Prior to this bill's passage, political subdivisions (counties, municipalities, etc.) lacked the clear statutory authority to enter into PPPs and therefore they were underutilized at the local level.
- **Additional Funding** - On behalf of the **Canaveral Port Authority**, we successfully expedited the delivery of more than $24 million in state funding through the Florida Department of Transportation work program. Additionally, and also on behalf of the Port, we successfully worked to defeat a consolidation study amendment that would have created an unnecessary and undue burden.
- On behalf of the **Central Florida Hotel and Lodging Association (CFHLA),** we blocked any legislative attempts to infringe upon the integrity of the Tourist Development Tax (TDT).
- **Increased Transit Funding** - On behalf of **The Central Florida Regional Transit Authority (LYNX),** we advanced several legislative priorities and positioned them well for further consideration during the 2014 Session. Additionally we were able to, in partnership with the FDOT and transit providers around the state, increase the Transit Block Grant funding that is distributed to RTA's via a funding formula by more than $40 million for FY 2013-2014.
- **Modernizing Emergency Systems** - For **CenturyLink**, we advocated for and significantly advanced legislation to modernize Florida's Emergency 911 system and account for emerging

technology. The bill is, thanks to the efforts made during 2013, very well positioned to reach final passage in 2014.

- **Criminal Justice Reforms** - For **Christian Prison Ministries** and in partnership with the Florida Smart Justice Alliance, we advocated for and advanced groundbreaking reforms in the area of criminal justice and corrections. This multi-year endeavor continues both now and into the 2014 Session.
- **Charter School Operator** - On behalf of **Community Education Partners (CEP),** we worked to successfully pass key public education accountability measures that better reflect the student population and academic goals of alternative schools.
- **Public Seating Law Reform** - On behalf of the **Florida Jaycees,** we advanced meaningful public seating law reforms working closely with the FDOT and transit providers around the state. The effort to bring this to final passage continues during the interim period and will be a top transportation priority during the 2014 session.
- **Increased Funding** - On behalf of the **Pinellas Suncoast Transit Authority (PSTA),** we advocated for and successfully achieved a substantial increase in FDOT block grant dollars for transit authorities. Additionally, we led the effort in crafting compromise language to further govern the use of these dollars. The compromise protected the integrity of the funding while simultaneously providing the transit providers with needed clarity.
- **Funding for Homeless Veterans** - On behalf of **The Transition House**, we successfully secured a $250,000 line item in the state budget to help fund their homeless veterans treatment program in Osceola County.

## Successes in 2012

- **Traffic Infraction Devices** – On behalf of the **City of Orlando and the City of Ocoee**, we successfully passed legislation that clarifies that the clerk of the courts cannot collect administrative costs on Uniform Traffic Citations ("UTCs"). This guarantees that local governments will receive their full statutory allotment of a paid citation.
- **Local Business Tax** – On behalf of the **City of Orlando, the City of Ocoee, and the City of Key West**, combined with efforts of their city lobbyists, we successfully blocked legislation which would have repealed the local business tax. This would have been a significant negative fiscal hit to local governments. Therefore, the defeat of these bills was a top priority for the Legislative Team. We fully expect this legislation to return in 2014.
- **State Flagship Designation** – On behalf of the **City of Key West**, we successfully lobbied for the passage and approval of legislation that designated the *Schooner Western Union*, currently harbored in Key West, as the official Flagship of the State of Florida. This designation has bolstered tourist visits to the City of Key West and enhanced our state's capitol walls.
- **Funding for Widening and Dredging** - On behalf of **Canaveral Port Authority**, we advocated to the FDOT and the Executive Office of the Governor for nearly $25 million in expedited funding of a critical port infrastructure project, a precursor to any further development or growth for the Port. Without the expedited funding, along with creative and visionary leadership from the state, many major economic development initiatives and regional planning/growth opportunities would have been stalled indefinitely.

- **Special District Review** – On behalf of the **Orange County Library District**, we successfully lobbied the Executive Office of the Governor to indefinitely delay the review of library districts, under the Governor's Executive Order 12-10 (Review of Special Districts).
- **New Facility Funding** – On behalf of **Devereux Foundation**, we successfully secured funding in the amount of $600,000 through the appropriations process for a new auditorium and community events center in Brevard County. This was the first year that we, on behalf of Devereux, requested these funds and they have gone towards enhancing this great charity's work and the community at large.
- **Health Care Insurance Pooling Allowed for Non-Profit Entities** – On behalf of the **Florida Insurance Trust**, we successfully lobbied and passed an amendment to section 624.4625, *Florida Statutes*, allowing non-profit companies in Florida to enter into health insurance groups (similar to pooling) that would enable these non-profits to save on insurance premiums. This was the first time since 2006 that this section of statute had been opened and amended, and it took significant time and effort to achieve the necessary buy-in and sign-off from the perceived "trustees" of Chapter 624.
- **Ticket Legislation** – On behalf of the **Orlando Magic** and the **City of Orlando**, we successfully blocked legislation that would have placed onerous regulations on the distribution and selling of tickets at public arenas and stadiums. Our team partnered with Ticketmaster's lobbyists to prevent this legislation from being heard in its first committee reference.
- **Student Board of Governor Member** – On behalf of the **UCF Student Government Association**, we successfully blocked legislation that would have removed the right of student government presidents to elect the student member of the State University System's Board of Governors. This was an uphill battle, as this legislation was being pushed by both Florida State University and the University of Florida's student governments. Ultimately, we modified (amended) the proposed legislation in a fashion favorable to our client and even to those pushing to remove the student's right to select their representative. This amendment was the product of extensive negotiation with the other schools' lobbyists and strong pressure from key legislators in Tallahassee that took the side of our client. In the end, the students maintained their vote on the Board of Governors.
- **Arc Funding Increase** – On behalf of the **Arc of Florida**, we successfully lobbied for over a $1 million increase in funding for the Arc of Florida's (aimed at helping special needs individuals) community programs. In a year of tough budget decisions, this proved to be a tough, but worthwhile, effort.
- **Associated Builders & Contractors** – Hired to represent this statewide association just a few weeks before the start of the legislative session, we successfully moved four lengthy and complicated pieces of legislation through the committee process in both the House and Senate and even to a final (and successful) vote on the House floor. While the bills did not reach the Governor's desk by also passing on the Senate floor, the legislation in question had been filed for multiple years and had never once even received a committee hearing. Movement of these bills through the committee process was a major success for our client.
- **Department of Corrections** – On behalf of **Bridges of America, Inc.**, we successfully fought back the outright closure of two major facilities (through legislative leverage and hearings) and facilitated legislature-wide discussion on the proper role of work release and transitional center to reduce recidivism.

## Successes in 2011

- **Transportation Funding for Public Transit Agencies** – On behalf of the **Pinellas Suncoast Transit Authority**, we successfully lobbied for full public transportation block grant funding in the 2011-12 budget. The total block grant funding amounted to $343.5 million, of which PSTA gets a portion due to a shared funding formula. In addition, our team coordinated high level FDOT meetings with PSTA staff to discuss funding priorities for Pinellas County.
- **Local Government** – On behalf of the **City of Ocoee**, we successfully lobbied and passed legislation that gave the City legal remedies to fix certain blighted areas in its community. Our team achieved this success by utilizing the amendment process and identifying the right bill on which to amend our language. This language will alleviate a major concern for the City of Ocoee and we were honored to champion this for them.
- **Ports Funding and Regulation** – On behalf of the **Canaveral Port Authority**, we successfully passed legislation that softens unnecessary regulations on Florida's deep water ports and creates a pool of greater funds to help all of Florida's ports prepare for the imminent completion of the Panama Canal expansion in the amount of $10 million.
- **Qualified Target Industry (QTI) Program Modification for Cities** – On behalf of the **City of Orlando**, we successfully amended Florida Statutes to clarify that in instances where a municipality is the entity providing the required local financial incentive for an economic development project under the QTI program, that it is the municipality, and not the County in which it resides, that handles all coordination with OTTED and provides the required wage-scale calculations.
- **Tourist Safety Act of 2011** – On behalf of the **Central Florida Hotel and Lodging Association**, we successfully lobbied for the passage of the "Tourist Safety Act" which provides law enforcement throughout the state with badly-needed tools to protect Florida's #1 economic engine, tourism.
- **Medical School Funding** – On behalf of the **University of Central Florida,** we successfully secured full funding in the amount of $22.1 million through the appropriations process for the UCF College of Medicine. This marked the fifth consecutive year where full funding was both needed and achieved. Achieving the requested funding was a critical victory for the new medical school as it keeps them on track for full accreditation while it continues to grow into a leader throughout the state.
- **Corporate Income Tax Credits** – On behalf of **Darden Restaurants**, we successfully amended Florida Statutes to allow for certain qualifying businesses, under certain circumstances to carry forward unused corporate income tax credits (received through the Capital Investment Tax Credit Program) for an additional ten years beyond the original life of the agreement.
- **Worker's Compensation Reform** – On behalf of the **Orlando Magic, Tampa Bay Buccaneers, Tampa Bay Rays, Tampa Bay Lightning, and Jacksonville Jaguars,** we successfully passed legislation that modernizes Florida Worker's Compensation law to protect the rights of both employees and employers when it comes to Florida-based employers who are working temporarily in another state.
- **Substance Abuse Funding** – On behalf of **Bridges of America**, we secured full requested funding for substance abuse treatment beds through the appropriations process. Through our efforts, a line item that was once severely reduced was restored in the amount of $206 million (of which Bridges of America gets a portion through contracts with Department of Corrections) before the Legislature completed their work on the budget.

## Successes in 2010

- **Florida Rural Water Association** – Our team assisted the Department of Environmental Protection in securing funds for the Clean Water State Revolving Trust Fund and Drinking Water State Revolving Fund. We also participated in the passage of Senate Bill 550 by Senator Lee Constantine, a comprehensive water bill which sought to reduce pollution in waterways and springs. Our team worked with House and Senate Sponsors on SB 1752 - Jobs Bill and expedited permitting changes to section 373.4141, F.S. Finally, we monitored the federal EPA rulemaking on numeric nutrient criteria and supported a Florida legislative effort laying out a state-drive methodology and schedule for comprehensively addressing nutrients.
- **Red Light Cameras** – On behalf of the **City of Orlando** and **Lasercraft, Inc.** (red light camera company), our team served on the lead lobbying group to enact legislation that would allow counties and municipalities to use red light camera technology in the enforcement of red light camera violations. This has been an eight-year battle that culminated in the passage of a fair system that will allow Florida's roads to be safer. While there were other lobbyists working on this issue, our team participated and often led the high level meetings that crafted the final form of this legislation.
- **UCF Project Funding** – In a budget lacking revenue, few university projects received funding in 2010. Our team successfully lobbied the full funding (over $20 million) for Project Transform. This venture between UCF and Sematech (a solar power company) will expand UCF's ability to grow its local economy and increase its education capabilities. This success came about through constant contact with the budget chiefs in both the House and Senate. This access to the decision-makers is what we pride ourselves on delivering and utilizing to the advantage of our clients.
- **UCF Medical School Funding** - Despite the budget difficulties faced in the 2010 Regular Legislative Session for all aspects of state government, GrayRobinson successfully secured full funding for the newly established (and now open) University of Central Florida College of Medicine. A line item appropriation in any amount less than what was requested could have resulted in the Medical School falling off track for accreditation, and leaving the first class of students, who are now enrolled, in a state of limbo. Our efforts helped ensure that the Legislature held true to its promises to fully fund the medical school when it was established by the State's Board of Governors several years earlier.
- **Behavior Assistance Funding** – On behalf of **Central Florida Communities**, we overcame annual budget concerns that have made Behavior Assistance Funding a target for budget cutting. In 2009, our team was called in to restore this funding that had already been "zeroed out" with only two days of Session remaining. In 2010, our team was brought in early in the process, and we successfully staved off any funding cuts to these critical services for the special needs community.
- **Government Event Tax Exemption** – A little known, but valuable, tax exemption was automatically repealed from statutes in 2009. This tax exemption allowed counties and/or municipalities to conduct events at their public venues without charging a sales tax on admissions. This was put in place to avoid the "robbing Peter to pay Paul" scenario of a local government collecting taxes on its own event, only to turn it over to the state. Many communities, including the **City of Orlando**, relied on these events for revenue to support their local venues. Our team successfully lobbied this issue and restored the tax exemption without a sunset date.
- **Professional All Star Tax Exemption** – Our team served as chief lobbyist on this issue to expand the current admissions tax exemption for sporting events (Super Bowl, NCAA Final Four, Bowl Games) to the all-star games of the four major sports leagues. In such a tough financial year, legislating tax exemptions for the "rich" sports leagues is difficult, at best. Our team utilized a two-prong approach of running this as a stand-alone bill and also working the amendatory process. Both

efforts kept the legislation in play through the final week of Session, and it ultimately passed after we designed a path through the Jobs Bill.

- **Adam Pierce Act** – Perhaps the most emotional and heartwarming issue our team has worked is this legislation that fixes a loophole in the retirement system for special risk officers. Our team worked this issue for several years and finally overcame the insurmountable odds known as "fiscal negative" that typically ends any chance of success for a bill. Through determination, innovation in drafting the language to limit its fiscal impact and a little luck, our team successfully lobbied the passage of this bill that will ensure special risk officers do not lose their special risk benefits when they are catastrophically injured in the line of duty.

# Biographies

**Burt L. Saunders**
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## EXPERIENCE

Burt, a shareholder, practices in the areas of local and state government and health care law. Burt is currently the Lead Lobbyist for Lee County and Co-Lobbyist for Collier County and has many other lobbying clients. Burt has also served as a Dade County Attorney, the Collier County Attorney, and City Attorney for the City of Marco Island.

## BACKGROUND

Burt served as Florida state senator for District 37 from 1998 to 2008, where he represented Collier and Lee counties. Prior to being elected to the Senate, Burt served in the Florida House of Representatives for four years and as a Collier County Commissioner for eight years.

Burt was born in Newport News, Virginia. He received his bachelor's in 1972 from the University of South Florida and his juris doctor in 1975 from the College of William and Mary. In 1978, Burt received his legum magister in ocean/coastal law from the University of Miami.

## EDUCATION

- **University of South Florida, B.A.** (1972)
- **College of William and Mary, J.D.** (1975)
- **University of Miami, LL.M.** (Ocean/Coastal Law, 1978)

## PROFESSIONAL

- Florida State Senator - District 37 (1998-2008)
- Florida House of Representatives, Member (1994-1998)
- Collier County Board of County Commissioners, Member (1986-1994)
- Collier County, FL, County Attorney (1982-1986)
- Dade County, FL, Assistant County Attorney (1979-1982)
- City Attorney, City of Marco Island
- The Florida Bar
- Collier County Bar Association
- Wolford School of Nurse Anesthesia, Board of Directors, Member

## RELEVANT SENATE COMMITTEE ASSIGNMENTS

- Health and Human Services Appropriations, Chairman
- Health Care, Chairman
- Select Committee on Medicaid Reform
- Commerce and Consumer Services
- Environmental Preservation, Chairman

## CIVIC

- Leadership Collier Foundation, Board of Directors; Leadership Development, Vice Chair
- Enterprise Florida, Inc., Board of Directors, 2002-2008
- Neighborhood Health Clinic, Inc., Advisory Board
- The Conservancy of Southwest Florida
- Project HELP, Advisory Board
- Children's Hospital of Southwest Florida Advisory Board

GRAY | ROBINSON
ATTORNEYS AT LAW

**Thomas A. Cloud**
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**EXPERIENCE**

Thomas A. Cloud is a Shareholder in the law firm on GrayRobinson and is the head of the firm's Public Law Department. He has extensive state and local government experience in public infrastructure, energy, water, environmental, land use, and all aspects of utilities law. Mr. Cloud has represented a variety of land owners, developers, industrial clients, public and private utilities, individuals, and local governments. These include:

**Cities:**
Apopka
Atlantis
Bartow
Belleair
Cape Coral
Casselberry
Daytona Beach
Eagle Lake
Eaglewood
Groveland
Haines City
Hollywood
Howey-in-the-Hills
Kissimmee
Lakeland
Lake Mary
Lantana
Longwood
Maitland
Manalapan
New Smyrna Beach
North Port
Orlando Utilities Commission
Palm Bay
Palm Beach
Palm Springs
Polk City
Port St. Lucie
Riviera Beach
Royal Palm Beach
Sanibel
Sebastian
South Palm Beach
Space Coast League of Cities
Tampa
Umatilla
Valparaiso
Winter Park

**Counties:**
Bay
Brevard
Charlotte
DeSoto
Flagler
Lake
Martin
Marion
Orange
Seminole
VGMC

Mr. Cloud has extensive experience in the following areas:

**Land Use/Environmental:**
Comp Plans
DRIs
Rezonings
Site Plans
Impact Fees
Special Districts
Permits
Special Facility Siting
Administrative/Judicial Litigation

**Utilities:**
Mergers and Acquisitions
Territorial Disputes
Start Ups
Franchises
Rate Setting
System Permitting
Bulk Sales Contracts
Developer Contracts
Refundable Advance Contracts
Administrative/Judicial Litigation

## BACKGROUND

Mr. Cloud is a native Floridian hailing from Lakeland, Florida. Tom has been a practicing attorney in Orlando since 1979, specializing in environmental and land use law, local government law, public utilities law, and administrative law. In his almost 30 years of practice, has handled nearly 2,000 cases in the areas of utilities, environmental, local government, land use and administrative law. In most of these cases, he has represented the interests of governmental entities. A former Assistant County Attorney for Orange County, he continues to serve as special counsel to a number of cities and counties throughout the state, and is City Attorney to the City of Haines City and the City of Fort Meade. He has authored numerous articles and made presentations on numerous utility, local government, environmental, and land use law topics to a variety of audiences around the country.

## EDUCATION

- **Wake Forest University, B.A.** (*magna cum laude*, Honors in History, 1976)
- **Florida State University, J.D.** (Honors, 1979)

## LECTURES AND PUBLICATIONS

- 18th FMAA Annual Seminar, Amelia Island Plantation, "Turf Wars: A Brief Study of Water and Sewer Service Area Authority and Disputes in Florida," July, 1999
- 22nd FMAA Annual Seminar, Amelia Island Plantation, "Birch Rods in the Cupboard: Municipal Franchise Purchase Options in Florida," July, 2003
- ELULS Article, "Public Facilities and Land Development Contracts," 2005
- 24th FMAA Annual Seminar, Amelia Island Plantation, "Turf Wars 2005: A Brief Study of Water and Sewer Service Area Authority and Disputes in Florida," July, 2005
- Stetson Law Review, "Birch Rods in the Cupboard: The Link Between Municipal Franchise Purchase Options and Franchise Fees in Florida" Vol. 35, No. 2, Winter 2006
- 27th FMAA Annual Seminar, Key Largo, "Standing to Sue and Florida Cities," July, 2008
- 28th FMAA Annual Seminar, Bonita Springs, "Defense of Municipal Rates in Florida," July, 2009
- Land Use Law Conference, Tampa, "Annexation and Contraction: A Brief Essay on the Florida Law of Municipal Boundaries," August, 2009

## PROFESSIONAL

- Florida Bar
  - Environmental and Land Use Law Section, 1990-present
    - Executive Council, 1981-present
    - Chairman, 1987-1988
  - City, County and Local Government Law Section
- Florida Municipal Attorneys Association, Executive Council
- American Bar Association
- Selected as Florida's Legal Elite by *Florida Trend* Magazine, 2004-2005
- Selected as top attorney by *Super Lawyers*, 2006

**Frank N. Fleischer**
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## EXPERIENCE

Frank serves as Chair of the GrayRobinson Public Finance practice group. Frank currently serves as disclosure counsel for the Cities of Port St. Lucie, Sarasota, St. Petersburg and Tampa, Tampa Bay Water (Cities of Marco Island, St. Petersburg, Tampa and New Port Richey and Hillsborough, Pasco and Pinellas Counties), the Hillsborough County Aviation Authority, the Tampa Port Authority, the First Florida Governmental Financing Commission (Cities of Gainesville, Hollywood, Sarasota and St. Petersburg and Broward County), the University of South Florida, Reedy Creek Improvement District (Disney), the Tampa Sports Authority, Tampa General Hospital, Lakeland Regional Hospital and H. Lee Moffitt Cancer Center. He has represented numerous underwriters in municipal finance matters including bond issues for the Florida Housing Finance Corporation. In the past five years, Frank has been involved in more than $15 billion in public finance offerings. He has consistently ranked in the list of the top 100 Underwriters' and Disclosure Counsels.

## BACKGROUND

After law school, Frank joined the staff of the Securities and Exchange Commission in Washington, D.C. He spent his first year and one-half in the Commission's Division of Corporation Finance and his last year and a half in the Commission's Office of General Counsel. Frank left the Securities and Exchange Commission in early 1969 to return to Boston to join the firm of Nutter, McClennen & Fish. He left that firm in late 1971 to join Bill Schifino in Tampa to form Schifino & Fleischer, P.A., a boutique securities law and public finance firm. Frank practiced with Bill for more than 32 years before joining GrayRobinson.

## EDUCATION

- **The Wharton School of the University of Pennsylvania, B.S., Economics** (1960)
- **Boston University School of Law, J.D.** (1965)
- **Georgetown University Law Center, LL.M in Taxation** (1968)

## PROFESSIONAL

- American Bar Association
- The Florida Bar
- Hillsborough County Bar Association
- National Association of Bond Lawyers
- Maine Bar Association
- Massachusetts Bar Association
- *Florida Trend* "Legal Elite," 2005-2009
- *Best Lawyers in America* 2003-2011
- Florida *Super Lawyers*, 2006-2010

- *Chambers USA*, Member, 2009-2010

**ADMITTED TO PRACTICE**

- Florida
- Massachusetts
- Maine
- First Circuit Court of Appeals
- United States Supreme Court

**Amy L. Garrard**
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## EXPERIENCE

Ms. Garrard is a Shareholder in GrayRobinson's Naples office and practices primarily in the area of labor and employment law. She has handles various state, federal and agency proceedings involving allegations of discrimination, harassment, wrongful discharge, and other employment related matters. In addition to her experience in litigation, Ms. Garrard has also assisted human resource personnel in drafting corporate policies, training supervisors and managers, and handling disciplinary and discharge issues. Ms. Garrard's practice has encompassed servicing a number of public employers, including the Collier County School District, the City of Naples, the Sanibel Public Library District and a number of other special districts. In this capacity, she has handled grievance arbitrations, PERC proceedings, union negotiations and strategy. She has attended public meetings as council for the public entity, reviewed and responded to public records requests, drafted requests for proposals and drafter independent contractor and other public consultant agreements.

## EDUCATION

- **Indiana University, B.S.** (1992)
- **Indiana University School of Law, J.D.** (1996)

## PROFESSIONAL

- The Florida Bar
- Collier County Bar Association

## CIVIC

- 2011 HR Collier President

## CREDENTIALS

- Adjunct Professor, Ave Maria School of Law, Collective Bargaining, Naples, FL Fall, 2009 Semester

## REPRESENTATIVE MATTERS

- Successfully defended employers in discrimination and retaliation claims in federal and state court, and before administrative agencies
- Drafted and revised employee handbooks, personnel policies, disciplinary and discharge documentation
- Represented employers in connection with enforcement of employment and non-compete agreements

- Successful representation of Fortune 500 companies in union organization drives, grievance arbitrations and unfair labor practice charges

**PUBLICATIONS & PRESENTATIONS**

- Gulfshore Business; *Protecting Your Assets – Know When Noncompete And Nondisclosure Agreements Are Necessary*, August 2005
- Florida Chamber of Commerce, HR Compliance Library, *Hiring, Firing and Discipline for Florida Employers*, Chapter 5, Background Checks, 2010
- Collier Building Industry Association *FLSA – Regulations, Compliance*, June 2006
- Southwest Florida Library Networking, *Revised FLSA Regulations/Compliance, Peaks and Pitfalls of Hiring Employees*, August 29, 2007
- Current Issues Facing Employers In Florida, *That's Harassment?*, April 7, 2005
- Entrepreneurs Law School at Florida Gulf Coast University –*To Employ Or Not To Employ*, January 26, 2008
- Collier Building Industry Association, *Wage/Hours Issues: The FLSA – Is Your Company Playing By The Rules?*, July 8, 2008
- Entrepreneurs Law School at Florida Gulf Coast University – *Strategies for Preventing Employee Theft*, January 31, 2009
- 74th Annual Florida Public Personnel Association Conference, *"Employment Law 101"*, July 31, 2010

**Lowell Walters**
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## Experience

Lowell helps business owners and entities receive beneficial tax treatment for their retirement and welfare plans by working with plan administrators, the IRS, the Department of Labor, or other regulatory agencies such as the U.S. Department of Health and Human Services and the Florida Bureau of Consumer Assistance to ensure employee benefit plans are drafted and operated in compliance with the Internal Revenue Code, the Employee Retirement Income Security Act of 1974 and state law (including Florida Statutes, Chapters 110, 112, 121, 175 and 185). This includes correcting plans when an earlier error is discovered. Related experience includes advising and protecting employers and the tax status of employee benefit plans due to employee reclassifications and mergers and acquisitions (including those involving governmental entities and tax-exempt organizations).

## Areas of Practice

- Affordable Care Act
- ERISA & Employee Benefits
- Exempt Organizations
- Higher Education
- Taxation

## Background

Lowell was born and raised in Long Island, New York. He gained admission to the New York and New Jersey bars after graduating from Brooklyn Law School. He passed The Florida Bar after receiving his master of laws in taxation at the University of Miami School of Law. Before joining GrayRobinson's employee benefits department, Lowell was in Boca Raton, Florida, practicing in the tax department of the national full-service law firm of Butzel Long, headquartered in Detroit, Michigan. Lowell is married with two children, and he continuously strives to properly balance his devotion to his clients with his devotion to his family.

## Retirement Plan Experience

- 401(a) Plans (money purchase pension plans, profit sharing plans, traditional and cash balance defined benefit plans)
- 401(k) Plans (including safe harbor, cross-tested, and automatic enrollment plans)
- 403(b) Plans (ERISA and non ERISA)
- 457(b) Plans (governmental and tax-exempt)
- 457(f) Plans
- 409A Nonqualified Plans

- 175/185 Insurance Premium Tax Share Plans
- Florida Retirement System Opt Out Plans
- Deferred Retirement Option Programs

## Welfare Plan Experience

- 125 Cafeteria Plans
- ERISA-only Plans
- Wrap Documents
- NonERISA Individual or Voluntary Plans
- Medical Reimbursement Plans (HRAs, FSAs, HSAs)
- Self-insured Medical Plans
- Commercially–insured Medical Plans
- Stop-loss Insurance
- Various other Welfare Plan Arrangements (including Wellness Programs, Dependant Care Assistance Programs, Adoption Assistance Programs, Vacation Pay Conversion Programs, and Education Assistance Programs)
- Governmental Retiree Healthcare

## Selected Skills

- Affordable Care Act (ACA) compliance and planning
- Plan drafting and amending
- Retirement plan mergers, acquisitions, and terminations (nongovernmental and governmental, including Florida Retirement System transfers)
- Benefit planning (tailoring welfare benefits to the individual employer)
- Benefit reductions
- Plan terminations
- Nondiscrimination
- General retirement and welfare plan compliance
- Welfare plan 5500 planning
- Welfare plan audits
- Structuring nonERISA individual or voluntary welfare benefits
- Compliance with requirements such as COBRA, HIPAA, FMLA, USERRA, ADA, ADEA, and PHSA
- Retiree Healthcare Issues
- Related employment tax issues
- Various other administrative issues

## Education

- **Rutgers College of Rutgers University, B.A.** (1993)
- **Brooklyn Law School, J.D.** (1996)
- **University of Miami School of Law, LL.M.** taxation (2000)

## Admissions

- Florida

## Professional Associations & Memberships

- The Florida Bar
  - Labor & Employment Law Section (Publications Subcommittee)
  - Governmental Section
  - Tax Section
- Hillsborough County Bar Association
  - Labor and Employment Section
  - Tax Section
- Tampa Bay Pension Council
- Florida West Coast Benefits Council, President, 2007-2008
- New Tax Professionals Association, Co-Chair, 2006
- National Association of Public Pension Administrators, 2011-2012
- Florida Municipal Attorneys Association, 2011-present
- Florida Public Pension Trustees Association, 2004-present

## Civic

- Hillsborough Education Foundation School Endowment Committee, 2009-2012
- Hillsborough County Consumer Protection Board, 2004-2007, Chairman, 2007
- Tampa Connection, 2002-2003
- Tampa Connection Alumni Association, 2003-2004
- Greater Tampa Chamber of Commerce, 2002-2004
- Leadership Tampa Bay, 2005

## Presentations & Seminars

- "Why Is This Guy Still on My Health Plan," Lorman Educational Services, March 27, 2014
- "New IRS Interpretation of DROP Plans," Florida Public Trustees Association, October 2013
- "Understanding The Employer Mandate," Florida Association of Wholesale Distributors Health Care Reform Summit, October 2013
- "Do's and Don'ts of Wellness Incentives, Wallace, Welch & Willingham," Wellness Works Seminars, May 2013
- "New Rules for HIPAA and Business Associates - What BAs need to do under the law and what changes for Covered Entities," International Society of Certified Employee Benefit Specialists - Tampa Bay Chapter, April 2013
- "Federal Tax Issues With DB Plans," Florida Public Pension Trustees Association, October 2012
- "Reduce the Agony of Compliance and Increase the Thrills With a Well-designed Retirement Plan (aka Cutting Edge Issues for Governmental Retirement Plans)," Florida Public Human Resources Association, August 2012
- "Using Benefits to Attract, Retain, and Increase Employee Productivity," HR Florida, August 2012
- "Retirement Plan Fee Disclosure Requirements: What You Need to Know; What You Need to Do," GrayRobinson Employee Benefits Breakfast Series, June 2012
- "The Effect of Actuarial Assumptions aka How the Pension Actuary Is Bankrupting Your City," Florida Government Finance Officers Association, May 2012
- "Misclassifications of Workers: Why It's a Problem and What You Can Do About It," GrayRobinson Employee Benefits Breakfast Series, March 2012
- "Employee v. Independent Contractor," Community Foundation of Greater Lakeland, November 2011

- "New DOL Regulations – Who Discloses What to Whom? American Society of Pension Professionals & Actuaries," Benefits Council of Central Florida, February 2011
- "Providing Compelling, Affordable Benefits For Companies From 1-100," Community Foundation of Greater Lakeland, November 2010
- "Employee Benefits for General Tax Practitioners," The Tax Section of the Florida Bar, October 2010
- "ERISA Liability Relief: What Is Required, What to Expect, and What to Do," 401(k) Advisors' Plan Sponsor Education Series, August 2010
- "IRS Compliance Issues," Florida Public Pension Trustees Association, June 2010
- "Benefits to Increase Production and Retain Employees," The Community College Conference on Legal Issues, February 2009, 2010
- "403(b) Plan Update for Educational Organizations," The Community College Conference on Legal Issues, February 2009, 2010
- "Understanding Employer/Board Fiduciary Responsibilities for Non-Profit Retirement Plans," Gulf Coast Community Foundation of Venice, September 2009
- "Employee Benefits for the General Tax Practitioner," Florida Bar Tax Section Annual Update, February 2009
- "Using Benefits to Attract, Retain and Increase Employee Productivity," International Society of Certified Employee Benefit Specialists, January 2009
- "'Recognizing' Deferred Compensation," Community Foundation of Greater Lakeland, Educational Forum, November 2008
- "Assessing and Addressing Retiree Healthcare Costs," Florida Government Finance Officers Association, Space Coast and Gulf Coast Chapters, June 2008
- "COBRA Compliance Survival Guide," Compliance Survival: COBRA, HIPAA, and Privacy in Florida, Lorman Education Services, April 2008
- "Employer Obligations Under the New 403(b) Plan Regulations," Wallace, Welch & Willingham, April 2008
- "Providing Compelling, Affordable Benefits for Companies From 1 to 100," Entrust Seminar Series, March 2008
- "Employee Benefit Hot Topics," Florida Bar Tax Section Annual Tax Review, February 2008
- "Health Insurance and Savings - No Longer Mutually Exclusive," Sarasota-Manatee Human Resources Association, February 2008
- "Retiree Healthcare: Righting the Sinking Financial Ship," Florida Public Pension Trustees Association, Trustees School, January 2008
- "Using Benefits to Attract and Retain Employees," Community Foundation of Greater Lakeland, Educational Forum, December 2007
- "What's in Your Employee Benefits Toolbox?" Ocala Human Resource Management Association, January 2008; HR Tampa, Expo and Legal Conference, September 2007
- "Employment Lawyer's HIPAA Guide, The Checkoff," The Florida Bar Labor & Employment Law Section, June 2007
- "Taxation of Damage Awards," The Lawyer, Hillsborough County Bar Association, April 2007
- "Pensions & Social Security, Windfalls & Offsets, Florida Public Pension Trustees Association," Trustees School, October 2006
- "Misclassified Employees: Don't Forget the Fringe Benefits," The Checkoff, The Florida Bar Labor & Employment Law Section, July/August 2006
- "Social Security: The Optional Tax," Florida Public Pension Trustees Association, Trustees School, January 2006; October 2005
- "COBRA Overview," Global Labor and Employment Law Handbook, Employment Law Alliance, 2005
- "HSAs: A Potential Solution," Fall 2005 Employment Law Seminar, October 2005

- "Pension Issues Facing Public Plans," Florida Public Pension Trustees Association, June 2005

## Articles & Publications

- "Misclassified Employees: Don't Forget the Fringe Benefits," *The Checkoff, The Florida Bar Labor & Employment Law Section*, 2006
- "COBRA Overview," *Global Labor and Employment Law Handbook, Employment Law Alliance*, 2005
- "When Income Is Taxed Prior to Receipt," *The Lawyer, Hillsborough County Bar Association*, 2005
- "COBRA Issues With Reimbursement Plans," *The Lawyer, Hillsborough County Bar Association*, 2005
- "Legal Overview of the Pension Plan Environment," *New Tax Professionals Association*, 2004
- "Is There a COBRA Lurking in Your Clients' Reimbursement Plans?" *The Practical Tax Lawyer*, 2004
- "Employer Obligations Towards Veterans," *The Brevard Reporter*, 2004
- "Federal Tax Update, Helping Your Clients' Businesses Succeed: Sales and Use Tax Planning," *The HCBA Young Lawyer*, 2004
- "HSAs: Tax Qualified Savings Accounts for Medical Expenses," *The Lawyer, Hillsborough County Bar Association*, 2004
- "Federal Tax Update," *Florida Public Pension Trustees Association*, 2004
- "USERRA: Employment and Retirement Rights and Obligations," *Benefitslink*, 2003

## E-Lerts & Newsletters

- Employee Benefits E-lert -- ACA Waiting Period (07/08/14)
- Employee Benefits E-lert -- Health FSAs Allowed to Carryover Unused Balances (11/04/13)
- Employee Benefits E-lert -- What the Play or Pay Delay Means For Today (07/12/13)
- Employee Benefits E-lert -- All Employers Must Provide Exchange Notices to Employees by October 1 (05/17/13)
- Employee Benefits E-lert -- ACA E-lert -- Employers with Mandatory Health Coverage (05/16/13)
- ERISA & Employee Benefits E-lert -- Health Care Reform for FSA and HRA Sponsors - Part II (11/15/12)
- ERISA & Employee Benefits E-lert -- Health Care Reform for FSA and HRA Sponsors - Part I (10/24/12)
- ERISA & Employee Benefits E-Lert -- Medical Loss Ratio Rebate (09/27/12)
- ERISA & Employee Benefits E-lert -- IRS Issues Guidance on Employer-Provided Cell Phones and Clothing (01/05/12)
- Employee Benefits E-lert -- Governmental Retirement Plan Update (05/19/2011)
- Employee Benefits E-lert -- Review Your Client's Retirement Plans (03/25/2011)
- Employee Benefits E-lert -- Free IRS Webinar for Governmental Entities (01/24/2011)
- Employee Benefits E-lert -- Governmental Retirement Plan Update (11/29/2010)
- Health Care Reform E-lert -- Late Breaking Health Care Reform Update (11/19/2010)
- Employee Benefits E-lert -- OTC Reimbursement Guidelines from the IRS (09/09/2010)
- Employee Benefits E-lert -- Free IRS Webinar for Governmental Entities (07/27/2010)
- Employee Benefits E-lert -- IRS Updates 403(b) Plan Guidance for Employers (06/24/2010)
- Health Care Reform E-lert -- Update Issued on Grandfathered Plan Rules (06/18/2010)
- Employee Benefits E-lert -- IRS Investigates Tax Compliance of Local Government Entities (06/17/2010)
- Health Care Reform E-lert -- Highlights of the New Healthcare Laws Affecting Employee Benefit Plans Now or Soon (06/16/2010)

- Employee Benefits E-lert -- COBRA Exception for "Gross Misconduct" (05/28/2010)
- Employee Benefits E-lert -- Employer Liability for Investment Provider Services (05/18/2010)
- Employee Benefits E-lert -- Employer-Provided Vehicles (02/23/2010)
- Employment & Labor E-lert -- Extension of COBRA Premium Subsidy (12/28/2009)
- Employee Benefits E-lert -- Retirement Plan Update: Fiduciary Procedures (12/17/2009)
- Employee Benefits E-lert -- Revisiting Medical Expense Reimbursements (10/2009)
- Employee Benefits E-lert -- Benefits Update on FSA or HRA (09/2009)
- Employee Benefits E-lert -- COBRA Subsidy Rules (06/2009)
- Employee Benefits E-lert -- Governmental Health Plan Update (04/2009)
- Employee Benefits E-lert -- SCHIP Special Enrollment Period (03/2009)
- Employee Benefits E-lert -- COBRA Benefit Update (03/20/2009)
- Employee Benefits E-lert -- American Recovery and Reinvestment Act of 2009 - COBRA Update (02/20/2009)
- Employee Benefits E-lert -- Retirement Plans Update (01/2009)
- Employee Benefits E-lert -- Benefit Basics: 401(k) Loan Rates (10/2008)
- Employee Benefits E-lert -- Welfare Benefit Update (09/2008)
- Employee Benefits E-lert -- Group Health Plan Update (01/2008)

**Derek P. Rooney**
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## Experience

Derek Rooney practices in the areas of land use and local government law and is a Board Certified Attorney in City, County & Local Government law. Derek represents private and government clients on questions of general municipal law, land use and public-private partnerships.

Derek currently serves as Town Attorney for the Town of Fort Myers Beach; as counsel to the Charlotte County Industrial Development Authority, the Lee County Metropolitan Planning Organization, the Area Agency on Aging for Southwest Florida; and as special counsel to a number of other local government entities. He previously served as an Assistant County Attorney in the Charlotte County Attorney's Office, where he had a multi-disciplinary practice involving land use, real estate and land development, environmental law, municipal finance and economic development.

While he has represented clients throughout the state, Derek focuses on the needs of Southwest Florida and primarily practices in Charlotte, Collier, Desoto, Glades, Hendry, Lee and Sarasota counties. As a litigator, Derek concentrates on prosecuting and defending land use decisions before Florida courts, the Division of Administrative Hearings and a variety of state and local bodies. He also has extensive experience with claims under the Bert J. Harris, Jr., Private Property Rights Protection Act.

## Areas of Practice

- Government
- Land Use

## Background

Derek is originally from Fort Lauderdale but grew up in Deland, Florida. He has lived in Punta Gorda with his wife and son since 2007 after returning to Florida from Washington, D.C.

## Education

- **Florida International University, B.A.**, (2002)
- **American University, Washington College of Law, J.D.** (2006)

## Admissions

- Florida
- District of Columbia

## Professional Associations & Memberships

- The Florida Bar
  - Board Certified in City, County & Local Government Law
  - City, County and Local Government Law Section
  - Environmental and Land Use Law Section
- Florida Municipal Attorneys Association, Member

## Civic

- Tiger Bay Club of Southwest Florida
- Charlotte County Law Library, Board of Trustees.

# Fee Proposal

Having served on the Collier County Commission and in the State Legislature, Mr. Saunders understands the need to keep fees as low as possible. In order to accomplish that objective for the Village of Estero, GrayRobinson proposes the following fee schedule:

A retainer, to be paid monthly in arrears for services rendered in the prior month, of seven thousand five hundred dollars ($7,500) per month to cover the costs associated with having Mr. Saunders and/or another qualified attorney available at up to five monthly Village of Estero meetings, which includes the meetings of the Village Council, Local Planning Agency, and Council Workshops. This retainer will also cover the attorney's fees for the review of agenda items for legal sufficiency. Additionally, this retainer includes all phone calls to the attorneys or paralegals from the Village Council or Village Staff. There will be no charges for travel time or mileage expense for attending meetings of the Village Council, Local Planning Agency, or Council Workshops.

For all other legal services, the Firm will charge a discounted hourly rate of $215.00 per hour for Mr. Saunders and shareholders, and will charge a discounted hourly rate of $150.00 for the legal services of an associate assigned to the Village of Estero. In an effort to reduce the cost of legal services, the Firm will utilize the services of a qualified paralegal where appropriate, at an hourly rate of $125.00.

There will be times when legal experts from out of town may be called upon for specialized issues. Those legal experts will charge the reduced rate of $215.00 per hour and $125.00 per hour for any travel expense incurred for the required attendance at meetings, along with out-of-pocket travel expenses, such as airfare. These experts will only be used when pre-approved by the City Council or City Manager.

**VILLAGE OF ESTERO, FLORIDA**

**RESOLUTION NO. 15- _____**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF _____ AS INTERIM VILLAGE ATTORNEY; AUTHORIZING VILLAGE MAYOR TO EXECUTE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Charter of the Village of Estero, Section 5 - Administration, Paragraph 2 provides that the Council shall appoint a Village Attorney who shall be a member of the Florida Bar in good standing, and serve as chief legal advisor to the Council and Village administrators, departments, and agencies.

**WHEREAS**, the Village Council of the Village of Estero has determined that it is in the best interest of the Village of Estero to appoint an Interim Village Attorney for an interim period of time until the Village Council desires to take action with regards to a permanent Village Attorney; and

**WHEREAS, _____,** has proposed his/her services to the Village of Estero as Interim Village Attorney with duties and responsibilities as outlined in the Village Charter.

**NOW, THEREFORE,** be it resolved by the Village Council of the Village of Estero, Florida:

**SECTION ONE.** The Village Council hereby confirms the appointment of _____ as the Interim Village Attorney for the Village of Estero.

**SECTION TWO.** The Village Council authorizes the Village Mayor to execute the Agreement with _____.

**SECTION THREE.** This Resolution shall take effect immediately upon adoption.

**THIS SPACE INTENTIONALLY LEFT BLANK**

**ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this _____day of March, 2015.

Attest:

**VILLAGE OF ESTERO, FLORIDA**

By:_____

By: _____

_____
Interim City Clerk

_____
Mayor

Reviewed for legal sufficiency:

By: _____

_____
Interim City Attorney