

Relationships. Resources. Results.

Prepared for: City of Key West

*Request for Proposal #005-14
State Government Relations Services
April 9, 2014*

Presented by:

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City of Key West
April 9, 2014

GRAY ROBINSON
ATTORNEYS AT LAW

Cover Letter

April 9, 2014

City Clerk
City of Key West Florida
City Hall, 3126 Flagler Avenue
Key West, FL 33040

Dear Sir or Madam:

Since 2008, GrayRobinson has lobbied on behalf of the City of Key West before the Florida Legislature, Executive Office of the Governor and Executive branch agencies on numerous issues including: transportation, environment, appropriations, emergency management, state flagship legislation, homelessness, state parks and utility issues. We monitor and track all legislation filed each year.

GrayRobinson would continue to serve as a proud and effective advocate for the City of Key West before Florida's Legislative and Executive branches. Our experience in advocating legislation that implements good public policy, obtaining funding for worthy projects and initiatives, and advocating to regulatory agencies makes the GrayRobinson team uniquely suited to serve the City in this capacity.

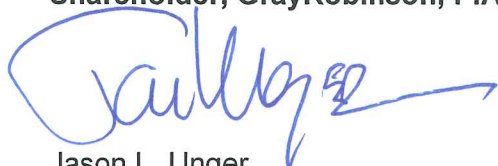
Our team has the long-term experience essential to drafting legislation, both general bills and amendments, identifying funding sources and successfully shepherding specific appropriations through the process. As important, our team is likewise skilled in opposing unfriendly legislation.

We are pleased and honored to submit our qualifications to provide state lobbying services to the City of Key West. We would be delighted to discuss our experience and approach in more detail, and look forward to hearing from you.

Sincerely,



Frederick W. Leonhardt
Shareholder, GrayRobinson, P.A.



Jason L. Unger
Shareholder, GrayRobinson, P.A.

Section 1: Introduction

1. Proposer's name and address of central and satellite offices.

GrayRobinson Offices

Boca Raton

225 N.E. Mizner Blvd.
Suite 500
Boca Raton, Florida 33432
Phone: 561-368-3808
Fax: 561-368-4008

Lakeland

One Lake Morton Drive
Lakeland, Florida 33801
Phone: 863-284-2200
Fax: 863-688-0310

Orlando (Main office)

301 East Pine Street
Suite 1400
Orlando, Florida 32801
Phone: 407-843-8880
Fax: 407-244-5690

Fort Lauderdale

401 East Las Olas Boulevard
Suite 1000
Fort Lauderdale, Florida 33301
Phone: 954-761-8111
Fax: 954-761-8112

Melbourne

1795 West NASA Boulevard
Melbourne, Florida 32901
Phone: 321-727-8100
Fax: 321-984-4122

Tallahassee

301 South Bronough Street
Suite 600
Tallahassee, FL 32301
Phone: 850-577-9090/222-7717
Fax: 850-577-3311

Jacksonville

50 North Laura Street
Suite 1100
Jacksonville, Florida 32202
Phone: 904-598-9929
Fax: 904-598-9109

Miami

1221 Brickell Avenue
Suite 1600
Miami, Florida 33131
Phone: 305-416-6880
Fax: 305-416-6887

Tampa

401 East Jackson Street
Suite 2700
Tampa, Florida 33602
Phone: 813-273-5000
Fax: 813-273-5145

Key West

201 Front Street
Suite 333
Key West, Florida 33040
Phone: 305-292-8950
Fax: 305-296-6629

Naples

8889 Pelican Bay Boulevard
Suite 400
Naples, Florida 34108
Phone: 239-598-3601
Fax: 239-598-3164

2. Project manager: telephone number and fax number.

Frederick W. Leonhardt

Phone: 407-843-8880
Fax: 407-244-5690

Jason L. Unger

Phone: 850-577-9090
Fax: 850-222-3494

3. Current client list, including local governments.

- Accredited Surety & Casualty Company, Inc
- Actavis, Inc.
- American Cancer Society Cancer Action Network and its Affiliates
- Associated Builders & Contractors of Florida, Inc
- Black Business Investment Fund
- Canaveral Port Authority
- Central Florida Regional Transportation Authority (LYNX)
- CenturyLink, Inc
- Christian Prison Ministries
- City of Hollywood
- City of Key West
- City of Ocoee
- City of Orlando
- City of Oviedo
- Community Education Partners
- Community Life Choices, Inc.
- Corizon, Inc
- Darden Restaurants, Inc
- Devereux Foundation, Inc
- Dosal Tobacco Corporation
- Enterprise Florida, Inc
- Florida A&M University
- Florida Distillers Guild, Inc
- Florida Jaycees
- Florida Outdoor Advertising Association
- Florida Retail Federation
- Florida Specialty License Plate Advocacy Association, Inc
- Florida Virtual School
- Florida's Vision Quest, Inc
- Floridians for Better Transportation
- GrayRobinson, P. A.
- Hartman & Tyner, Inc
- Haven Recovery Center
- JP Morgan Chase Bank, NA
- Jetto Rd, Inc., dba Restaurant Depot
- Joi Scientific, Inc.
- Lee County Board of County Commissioners
- MV Transportation, Inc
- Meadowbrook, Inc
- Melbourne Airport Authority
- Metro Orlando Economic Development Commission
- Millennium Laboratories, Inc
- Naples Community Hospital
- National Association of Industrial & Office Properties
- National Notary Association
- Non-Profit Insurance Services, Inc
- North Broward Hospital District
- On Street Media Florida, Inc
- Orange County Library District
- Orange County Property Appraiser
- Orange County Sheriff
- Orlando City Soccer Club
- Orlando Magic
- Parsons Transportation Group
- Pinellas Suncoast Transit Authority
- Project Orlando, LLC
- Promise Healthcare, Inc.
- Public Consulting Group
- Reynolds Smith and Hills, Inc
- Rx Development Associates, Inc
- Seavin, Inc
- Shands Jacksonville Medical Center
- Shands Teaching Hospital & Clinics, Inc
- Sodexo, Inc
- South Broward Hospital District
- Transition House, The
- University of Central Florida Foundation, Inc
- University of Central Florida Student Government Association
- Volusia County Government
- Walgreen Company
- Williams Acquisition Holding Company, Inc

Section 2: Firm Experience and References

1. City of Hollywood

Lorie Mertens-Black
P: 954-921-3599
lmertens-black@hollywoodfl.org

Description of services

Since 2008, on behalf of the City of Hollywood, GrayRobinson has lobbied numerous issues including: transportation, environmental, utility, affordable housing, and claim bill issues.

2. City of Orlando

Kathy Russell
P: 407-246-3094
kathy.russell@cityoforlando.net

Description of services

Since 2005, on behalf of the City of Orlando, GrayRobinson has lobbied on the following issues: economic development, transportation, home rule, and public safety issues.

Section 3: Personnel Qualifications and Availability

Lead Attorneys

All team members are 100% dedicated to the City of Key West, but each will be leading specific issues as they do currently, based on each individual's area of expertise. Likewise, if another member of GrayRobinson's nearly 300 person law firm has needed expertise at any given time, they will be added to the team to ensure Key West's representation is covered on all fronts.



Frederick W. Leonhardt

GrayRobinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801
407-244-5655
fred.leonhardt@gray-robinson.com

Experience

Fred's experience includes dealing with federal, state and local governments on behalf of private and government clients. He has a significant background in state and local government law matters including permitting and procurement. A few years ago Fred served as senior vice president and general counsel of Florida Water Services, previously the state's largest private water and wastewater utility. Fred has been a member of the board of directors of Enterprise Florida, the state's economic development organization, for 12 years.

Fred is past chair of the Florida Chamber of Commerce, Floridians for Better Transportation, the Orlando area Chamber of Commerce and The Metro Orlando Economic Development Commission. He serves on the board of directors of the James Madison Institute, a privately funded public policy think tank in Florida.

Background

A native Central Floridian, Fred attended the University of Florida and received degrees in psychology and law. After college he served as counsel to the Florida House of Representatives. He returned to Central Florida and has continuously been in private practice. He is chair of the firm's policy board of directors and chair of the Client Development Committee.

Education

- **University of Florida, B.A., psychology (1971)**
 - Student Hall of Fame
 - Florida Blue Key
- **University of Florida, J.D. (1974)**
 - Director of "Gator Growl"
 - The Verdict, Editor-in-Chief

Admissions

- Florida
- North Carolina
- District of Columbia

Professional Associations & Memberships

- Listed in *Leading Florida Attorneys* in the areas of real estate/land use and local government law
- American Bar Association
 - State and Local Government Law Section, Former Chair
- The Florida Bar
 - Environmental and Land Use Law Section
- Orange County Bar Association
- Volusia County Bar Association
- *Who's Who in American Law*, *Who's Who in Florida*, *Who's Who in the USA* and *Who's Who in the World*
- Florida Association of Professional Lobbyists, Designated Professional Lobbyist

Awards & Recognitions

- *Chambers USA*, Real Estate: Zoning/Land Use, 2005-2013
- *Best Lawyers in America*, 2006-2014
- *Florida Super Lawyers*, 2006-2013
- *Florida Trend*, Legal Elite, 2004-2013
- *Orlando Business Journal*, Businessman of the Year, 2004
- *Orlando Magazine*, 50 Most Powerful People, 2011-2013
- *Orlando Magazine*, Top Central Florida Lawyers, 2010-2013
- *Orlando Sentinel*, Top 25 Power Players, 2004, 2006

Civic

- Florida Technology, Research and Scholarship Board, Governor Appointee
- Central Florida Partnership, Board of Directors
- James Madison Institute, Board of Directors
- Florida Council of 100, Board of Directors
- Florida Chamber of Commerce, Board of Directors and Past Chair
- Florida Chamber Political Institute, Director and Past Chair
- Enterprise Florida, Governor Appointee and Executive Committee
- Metro Orlando Economic Development Commission, Board of Directors and Past Chair
- Central Florida District Council of Boy Scouts of America, Past President
- National Council, Boy Scouts of America
- Central Florida Sports Commission, Board of Directors and Founding Chair
- Orlando/Orange County Convention & Visitor's Bureau, Board Member
- Floridians for Better Transportation, Board of Directors and Past Chair
- University of Florida Law School, Trustee Emeritus
- Florida A&M University College of Law, Board of Visitors

- Orlando Area Tiger Bay Club, Past President
- Orange County Charter Review Commission, Past Member
- University of Central Florida Foundation, Past Treasurer and Executive Committee Member
- Celebration Health Foundation, Past Chair
- Florida Hospital Cardiovascular Institute, Board of Directors and Past Chair
- Greater Orlando Chamber of Commerce, Past Chair
- Orlando/Orange County Compact, Founding Chair (school dropout prevention program)
- Orlando/Orange County Civic Facilities Authority, Past Chair
- Leadership Florida, Class VII, Graduate and Past Chair
- Leadership Florida, Outstanding Alumni Member, 2006
- Leadership Orlando, Graduate and Past Program Chair
- Greater Orlando Leadership Foundation, Graduate (now Lifeworks Leadership)
- Lifeworks Leadership Legacy Award Recipient, 2009
- First Presbyterian Church of Orlando, Elder and General Counsel
- Spring Lake Neighborhood Association, Past President
- Daytona Beach Area Chamber of Commerce, Past President
- Volusia County United Way, Past General Campaign Chair
- Volusia County Association for Responsible Development, Founder and Director Emeritus
- Leadership Daytona Beach, Program Graduate and Founder
- Civic League of the Halifax Area, Member



Jason L. Unger

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Tallahassee, Florida 32301
850-577-9090
jason.unger@gray-robinson.com

Experience

Jason concentrates his practice in the areas of governmental affairs, election law and administrative law matters and regularly works with the executive branch agencies and the Legislature on behalf of his clients.

Prior to joining GrayRobinson, Jason served as special counsel to the Florida House of Representatives. While at GrayRobinson, he has represented George W. Bush and Richard Cheney in the 2000 presidential election contest; the Florida House of Representatives in redistricting; the Republican Party of Florida; and members of the legislature in election law matters. In 2001, Jason was appointed by Gov. Jeb Bush and U.S. Congressman E. Clay Shaw, Jr. to the Florida Federal Judicial Nominating Commission. In 2005, Gov. Bush appointed Jason to the Florida Sports Foundation. In 2008, Jason was appointed by Gov. Charlie Crist to the Supreme Court Judicial Nominating Commission, and, in 2011, Gov. Rick Scott reappointed him to the commission for a term through 2015.

Background

Jason was born in New Jersey and has lived in Florida since 1982. He received his bachelor's degree from the University of Florida in 1990 and then went on to receive his juris doctor from the University of Florida College of Law in 1993. He moved to Tallahassee from Fort Lauderdale in 1998.

Education

- University of Florida, B.S.B.A. (1990)
- University of Florida, J.D. (1993)

Admissions

- Florida
- U.S. District Court, Southern District of Florida

Professional Associations & Memberships

- The Florida Bar
- Judicial Nominating Commission
 - Florida Supreme Court, 2011-2015, reappointed by Gov. Rick Scott
 - Vice Chair, 2013
 - Florida Supreme Court, 2008-2011, appointed by Gov. Charlie Crist
 - Chairman, 2009-2010
 - Florida Federal, 2001-2005, appointed by Gov. Jeb Bush and U.S. Congressman E. Clay Shaw
- National Republican Congressional Committee, Florida Counsel, 2010 cycle

- Florida House of Representatives, Redistricting Counsel, 2002 and 2012 cycles
- Rudy Giuliani Presidential Campaign, Florida Counsel, 2007-2008
- Republican Party of Florida, Election Law Counsel, 2002
- Litigation Counsel to George W. Bush and Richard Cheney, 2000 Presidential Election Contest
- Florida House of Representatives, Special Counsel, 2000
- Appointed by Gov. Jeb Bush to the Boards and Commissions Review Panel, 1999-2000

Media Mentions

- Interview on Fox News Channel, October 2010
- Interview on Fox News Channel, Election Day, November 2010

Civic

- Florida Sports Foundation, Board of Directors, 2005-2007, appointed by Gov. Jeb Bush
- Florida Tax Watch, Board of Trustees, 2004-2006
- National Jewish Coalition, South Florida Chairman, 1996-1998
- Florida Blue Key

Reported Cases

Significant reported cases include:

- *In re Senate Joint Resolution of Legislative Apportionment* 1176, 83 So.3d 597 (Fla. 2012)
- *Martinez v. Bush*, 2002 WL 31740366 (S.D. Fla. 2002)
- *Florida Senate v. Forman*, 826 So.2d 279 (Fla. 2002)
- *In re: Constitutionality of House Joint Resolution 1987*, 817 So.2d 819 (Fla. 2002)
- *Palm Beach County Canvassing Board v. Harris*, 772 So.2d 1273 (Fla. 2000)
- *Gore v. Harris*, 2000 WL 1770257 (Fla. Cir. Ct. 2000)
- *In re: Constitutionality of House Joint Resolution 25E*, 863 So.2d 1176 (Fla. 2003) (NO.SC03-1912)

Assistant Lead Attorneys



Christopher L. Carmody, Jr.

GrayRobinson, P.A.
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Orlando, Florida 32801
407-843-8880
chis.carmody@gray-robinson.com

Experience

Chris earned his certification as a Designated Professional Lobbyist from the Florida Association of Professional Lobbyists and is an attorney admitted to practice in all Florida state courts. He has substantial experience handling government relations matters, including representation before the Florida legislative and executive branches, purchasing and procurement appeals, and professional licensing. Chris's clients range from small cities to Fortune 500 companies, and his experience runs the gamut of state-level needs and issues, from the passing of landmark legislation to proficiency on the appropriations process.

Chris also practices in litigation, land use, construction and sports law. His practice includes obtaining state and local government regulatory approvals as well as matters related to the acquisition, development and utilization of real property. He has represented contractors, engineers, architects, developers, owners, subcontractors, and suppliers in issues relating to land use and construction law. Chris provides legal work to the Central Florida Sports Commission and has handled numerous high-level sports matters at the legislative level, including tax exemptions, workers' compensation and other matters that affect sports franchises.

Background

Chris was born and raised in Orlando, Florida. He graduated from Bishop Moore Catholic High School in 1998. Four years later, he received his undergraduate degree in political science from the University of Florida, with a minor in human nutrition. While at UF, Chris was active in student government activities and regularly attended both football and basketball games.

In 2005, Chris graduated from the University of Florida Levin College of Law. During law school, Chris interned at the Florida Supreme Court for The Honorable Raoul G. Cantero. He also researched under Dean Jon Mills in the Center for Governmental Responsibility. He was a member of the Justice Campbell Thornal Moot Court Board and in his final semester served as president.

Education

- **University of Florida, B.A. (2002)**
 - Senate President, Student Government
 - Florida Blue Key
 - Hall of Fame
 - Phi Beta Kappa
- **University of Florida Levin College of Law, J.D. (2005)**
 - Justice Campbell Thornal Moot Court Board

- President
- Regional Champion, Thomas Tang National Moot Court Competition
- Vice President, Florida Blue Key
- Intern, Honorable Raoul G. Cantero, Florida Supreme Court
- Research Assistant, Center for Governmental Responsibility
- Order of the Barristers
- Chair, Class Gift Committee

Admissions

- Florida
- U.S. District Court, Middle District of Florida
- U.S. Court of Appeals, 11th Circuit

Professional Associations & Memberships

- The Florida Bar
- Judicial Nominating Commission, 9th Judicial circuit, 2013-2015
- Orange County Bar Association
- Inns of Court
- Florida Association of Professional Lobbyists, Designated Professional Lobbyist

Awards & Recognitions

- University of Florida Alumni Association, Leader of the Year, 2012-2013
- *Florida Super Lawyers*, "Rising Star," 2009-2013
- *Orlando Business Journal's* "40 Under 40," 2010
- *Florida Trend*, Up and Comer, 2011-2013
- Eagle Scout Award, Troop 76, Orlando, Florida

Civic

- Kissimmee/Osceola County Chamber of Commerce, Board of Directors, 2013-present
- Seminole County Chamber of Commerce, Board of Directors, 2013-present
- Central Florida Gator Club, President, 2012-present
- City of Orlando, Certification Board, 2012-present
- IDignity, Board Member
- Frederick Leadership Initiative, Co-Chair
- Junior Achievement Professional Connection, Classroom Teacher
- Tiger Bay, Board Member, President
- Business Force, Board Member
- University of Florida Law Alumni Council, Member
- Connect Florida Leadership Institute, Class I
- College Leadership Florida, Class VII
- Orange County Young Republicans, Former President
- Central Florida Boy Scout Council, Vice Chair, Golden Eagle Dinner
- Central Florida Partnership, Young Professionals Advisory Board, Co-Founder; Former Chair

City of Key West
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- Leadership Seminole, Class 19
- Leadership Orlando, Class 73

Presentations & Seminars

- "Sales Tax Update on Commercial Leases," National Association of Industrial and Office Products (NAIOP) Central Florida Chapter, Orlando, Florida, January 16, 2014



Timothy M. Cerio

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Tallahassee, Florida 32301
850-577-9090
tim.cerio@gray-robinson.com

Experience

Tim focuses his practice on government affairs; administrative law, including representation of clients in regulatory, administrative and quasi-judicial proceedings; health care and health care regulation; and complex litigation in state and federal courts. In 2013, Tim was appointed by Florida Governor Rick Scott to the Judicial Nominating Commission for the First District Court of Appeal.

Tim previously served as general counsel of the Florida Department of Health. With over 16,000 employees and a \$2.8 billion budget, the Florida Department of Health is responsible for regulating all licensed health care practitioners and delivering public health services throughout the state of Florida. As general counsel, Tim provided advice and counsel to the secretary and other department leaders on legal issues impacting the operation and administration of the Department of Health and managed and supervised the activities of a statewide team of over 75 lawyers under the Office of the General Counsel. Tim was later named chief of staff of the department. As chief of staff, Tim functioned as the chief operations officer for the Department of Health and served as the secretary's primary strategic liaison with the Executive Office of the Governor and other governmental and community partners, regularly working with the senior leadership of the Governor's other executive agencies.

Background

Tim was raised in Bradenton, Florida, and received his bachelor's degree in political science from the University of Florida in 1990. During his tenure at the university, Tim was appointed by Governor Lawton Chiles to serve as the student member of the Florida Board of Regents. As a regent, Tim created and chaired the State University System Minority Student Retention Task Force. Additionally, Tim received the Outstanding Male Leader award for his graduating class, was a member of the Florida Blue Key leadership honorary and was elected to the University of Florida Hall of Fame. Tim earned his juris doctor degree with honors from the University of Florida College of Law in 1995. During law school, Tim was a member of *The Florida Law Review* Editorial Board. Tim also served as a law clerk to The Honorable Thomas G. Wilson, U.S. magistrate judge for the Middle District of Florida.

Education

- **University of Florida, B.A. (1990)**
 - Florida Board of Regents, Student Member
 - State University System Minority Student Retention Task Force, Chairman
 - University of Central Florida Presidential Search Committee
 - Florida Blue Key
 - Student Lobbying/Government Relations, Director
 - UF Outstanding Male Leader Award
 - University of Florida Hall of Fame

- Phi Delta Theta Fraternity, President
- Bill Fleming Memorial Award for Outstanding Service to the University Community
- **University of Florida College of Law, J.D. (honors, 1995)**
 - *The Florida Law Review*, Editorial Board

Admissions

- Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Middle District of Florida
- U.S. Court of Federal Claims
- U.S. Court of Appeals for the 11th Circuit
- U.S. Court of Appeals for the Federal Circuit

Professional Associations & Memberships

- The Florida Bar
 - Health Law Section, 2008-present
 - Administrative Law Section, 2008-present
 - Young Lawyers Division Board of Governors, 2001-2002
 - Student Education and Admissions to the Bar Committee, Chairman, 2000-2002
- Judicial Nominating Commission, First District Court of Appeal, 2013-present
- Hillsborough County Bar Association
 - Young Lawyers Division, President, 2000-2001
 - HCBA Legislative Liaison, 2002-2004

Civic

- Leadership Florida, Class XXX
- University of Florida Alumni Association Board of Directors, 2007-present
- University of Florida Law College Alumni Board of Trustees, 2009-present
- University of Florida College of Law Alumni Council, 1996-2009; President, 2005-2006
- Florida Blue Key Alumni Advisory Board, 2006-present
- Outstanding Young Alumnus Award, University of Florida, 2006
- UF Student Affairs Development Board, 2008-present
- The Tampa Gator Club, 1995 - 2003; President, 1999-2000
- Leadership Tampa, Class of 2003



Robert F. Stuart Jr.

GrayRobinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801
407-843-8880
robert.stuart@gray-robinson.com

Experience

Following his graduation, Robert served as a Legislative Aide to the Florida House of Representatives for a district that represents much of Orlando and Orange County. His experiences in the halls of our State Capitol give him a deep understanding of and a unique perspective on the inner-workings of the Legislative process, and the strategy necessary to be successful in Tallahassee.

Robert's familiarity in local and state level policymaking stems from his personal experience, his service with the Florida House, and from being part of a family steeped in a history of public service. His family consists of a former State Senator and City Commissioner, a 25-year president of the local chamber of commerce, a current elected member of the Orlando City Council, and a recent congressional candidate. This alone gives Robert firsthand knowledge of the work and dedication required to create and implement good public policy.

Robert's lobbying experience includes representing clients of all shapes, sizes and interests. From public-sector clients, such as cities, law enforcement offices and the Clerks of Courts, to Fortune 500 companies, Roberts interacts with every committee and every legislator in Tallahassee regardless of party affiliation. Robert has considerable experience with the long term challenges of creating and passing landmark legislation that transforms public policy, including the establishment of a new medical school at the University of Central Florida, Charter School reformation, economic development incentives, and SunRail advocacy.

Background

Robert is a government affairs director based in our Orlando office. Born and raised in the Orlando area, he is a 2001 graduate of Edgewater High School and a 2005 graduate of the University of Florida with a degree in political science. During his time at the University of Florida, he was president of his fraternity, was active in student government, and held leadership positions in a number of student-led community service initiatives, raising money for organizations such as the Children's Miracle Network.

Education

- **University of Florida, B.A.** political science (2005)
 - Sigma Chi Fraternity, President

Professional Associations & Memberships

- Florida Association of Professional Lobbyists, Member
- Florida Association of Professional Lobbyists, Designated Professional Lobbyist

Awards & Recognitions

- *Orlando Business Journal*, "40 under 40," 2010
- *Orlando Business Journal*, Most Influential Businessmen Nominee, 2010
- *Orlando Business Journal*, 10 Businessmen to Watch, 2010

Civic

- Orange County Public Schools Foundation, Past Member
- Community Education Partners "E-Pal" Program
- Children's Miracle Network, Shands Children's Hospital
- CHAMPS Alachua County Mentoring Program
- College Park Baptist Church, Summer Youth Minister
- Crosspoint Christian Sports Camp, Counselor and Basketball Coach
- Leadership Orlando Graduate, Class 67
- Leadership West Orange Graduate, Class of 2009
- Tiger Bay Club of Orlando, Member
- Central Florida Partnership, Young Professionals Advisory Board, Co-Founder

Section 4: Implementation of Scope of Services

Approach

Under the leadership of our team, GrayRobinson has the capacity to provide the full scope of legislative lobbyist services for the City. As indicated throughout this response, our team has successfully represented numerous clients before the Governor, Cabinet, Legislature, and state agencies. We are fluent in the actions needed to ensure the City is represented in policy, legislative, appropriations and technical matters.

To help ensure a successful relationship, we propose an approach that includes frequent and on-going communication, including attendance at all appropriate meetings of the leadership of the City and any other meetings pertaining to its state legislative agenda. We will work with City leadership to ensure we understand both the immediate and long-term goals that are key to the success of the City and the advancement of its strategic plan.

We will work with the House and Senate Leadership, including the House Speaker's and Senate President's teams and the chairpersons of the House and Senate Committees, along with the members of the Key West Legislative Delegation, to keep issues of importance to the City in the forefront during the upcoming session.

Concurrently, the team will work with Florida's Governor and his staff to ensure their understanding and continued support of the City's legislative agenda. It will be of the utmost importance to work diligently throughout the Session and into the interim in a time of budget restraints to be sure the City issues are put forth to the right people at the right time. Additionally, it is critical that all members of the Florida Legislature understand the issues that the City has deemed a priority.

Our team has the knowledge and the long-term experience essential to preparing legislation, both general bills and amendments; identifying funding sources and successfully shepherding specific appropriations through the House, Senate and Governor's office. As importantly, our team is skilled in defeating unfriendly legislation and attempts to reduce or eliminate appropriations line items and proviso language which are detrimental to our clients.

GrayRobinson is well-respected in both the Legislative and Executive Branches, including the state agencies, and has a broad network of personal and professional relationships with the policymakers as well as with their staff. These are relationships built on trust and respect based on years of honest and forthright interactions.

As an example of the level of trust we have with the Legislature, GrayRobinson has served as legal counsel to the Florida House in challenges to Reapportionment in 2001 and 2011. This legal representation is continuing today.

As quickly as the team is selected and we have met with City leadership, key legislators both in and out of Key West will be notified. Together we will identify other legislators who may be advocates for the City, as well as those who may, for whatever reason, oppose your legislative priorities. We will also work closely with the Leadership of the Minority Party in both the House and Senate. The development of a working group of legislators who support the City will be among the first priorities.

Tracking and Analyzing State Legislation

The GrayRobinson team constantly monitors all legislative bill filings, appropriations requests, and amendment filings. We subscribe to LobbyTools and use this as our primary bill tracking and monitoring system. It enables us to research bills, PCBs, statutes, legislators, committees, calendars, Florida and national news, press releases and other essential information pertaining to Key West. We can modify the system to generate customized reports specific to Key West to ensure you receive the most up-to-date information available. Additionally, we enjoy great relationships with the staff and secretaries of the various state agencies and will use these relationships to monitor their activities.

Staffing

The GrayRobinson team will spend as much time as it takes to ensure that all of the needs of the City are properly addressed throughout upcoming Legislative Sessions and all necessary follow-through is completed in the weeks/months after Session concludes. As a matter of our culture, GrayRobinson is the consummate team atmosphere. When you hire our team, you obtain access not only to the team members set forth in this response, but to any member of the firm whose inclusion would be beneficial to achieving your goals at no additional cost.

The firm's style and general approach to clients is one where we stay in close contact with clients and meet with them often to ensure full communication. GrayRobinson manages work so that it is done in the most efficient way possible. GrayRobinson will utilize a team approach designed to maximize communication and responsiveness to the City of Key West's needs. The Primary Lobbying Leads at GrayRobinson for all work done on behalf of the City will be Jason Unger and Fred Leonhardt. They will be supported by Chris Carmody, Tim Cerio and Robert Stuart.

When a question or concern needing immediate attention arises, GrayRobinson has accessible and available leaders in place for issue resolution. To ensure the City's matters are completed efficiently and promptly, from time to time management of particular projects may be delegated to one of the team members. However, oversight of and accountability for the City's matters will continue to rest with Jason and Fred.

GrayRobinson believes this team approach will allow us to accomplish three critical objectives in representing Key West. These objectives are: (1) to provide quality legislative and executive lobbying services; (2) to maintain the flexibility necessary to respond to problems swiftly and thoroughly; and (3) to facilitate communication and accountability. GrayRobinson believes in the quality of the work we produce, not the quantity. We are committed to the quality representation of each of our clients and can ensure the City of our availability as well as accessibility to timely address your needs.

In addition to the team's own experience, Jason and Fred will have the ability to call upon the vast experience and qualifications of nearly 300 GrayRobinson attorneys, government consultants and other professional staff. These attorneys come from various professional backgrounds, including government, private industry, and law firms. This expertise is provided without any additional costs to Key West as part of our executive and legislative lobbying effort. This proposal summarizes in detail the experience and expertise of the GrayRobinson lawyers and government consultants with whom you will have the most interaction under this proposal, but it is no way an exhaustive list of the many who are standing ready to assist the City with its legislative needs.

Performance Benchmarks and Plans

With a legislative agenda that can often be as diverse as it is lengthy, the City needs a lobbying team that has the experience and work ethic to achieve results. GrayRobinson has the proven track record to provide Key West with the experience needed for successful results. Additionally, GrayRobinson prides itself on exceptional customer service providing continuous communication with its clients.

In that regard, during the Legislative Session, you will find that GrayRobinson personnel are adept at legislative drafting, strategy development, one-on-one lobbying, committee presentations, etc. We effectively utilize our skills, our client's grassroots organization, and ever-improving technology to assure that we "get results" and that we are in constant contact with the client. In addition to using state-of-the-art technology in our advocacy, we also maintain excellent relationships with the Chairs and staff of the Senate Community Affairs Committee and the House State Affairs Committee, the Senate and House Transportation Committees, the Senate Communications, Energy and Public Utilities Committees, the House Energy and Utilities Committee, as well as the all-important appropriations committees so that we are aware of issues and opportunities as soon as they arise.

After session, we will ensure that there is appropriate follow-through on bills impacting the City. We have excellent working relationships with the Governor and his staff members. We will also assure that your members are thoroughly informed regarding the impact of all session matters.

We are recognized by our clients for our efficiency and effectiveness in the lobbying arena and we look forward to continuing to provide our top-quality services to Key West.

Development of an Annual State Legislative Agenda

GrayRobinson suggests that, as soon as we are selected, a legislative workshop should be scheduled. Critical to that workshop should be the development of a legislative agenda for the Session and clear articulation of goals and expectations that, combined with this scope of service, will serve as our guide and roadmap in our representation of Key West at the legislative level. Thus, the sooner an agenda and strategy are set, the sooner our team can start advocating on the City's behalf.

Identifying Activities and Issues of Potential Interest to the City

Once the legislative priorities are outlined for 2015, GrayRobinson will diligently monitor and work to identify activities and issues of potential interest to Key West. As quickly as the team is selected and we have met with City leadership, key legislators both in and out of Key West will be notified. Together we will identify other legislators who may be advocates for the City, as well as those who may, for whatever reason, oppose your legislative priorities. We will also work closely with the Leadership of the Minority Party in both the House and Senate. The development of a working group of legislators who support the City will be among the first priorities.

Facilitating Effective Relationship Building

GrayRobinson goes to great lengths to build long and lasting relationships with key decision makers outside the walls of the State Capitol. Using our eleven offices throughout the state we get to know these members in their home towns, we support their causes; we are neighbors and friends. Keep in mind that these relationships guarantee nothing, other than a chance to make our case at the most opportune time. Further, one cannot effectively advocate without the ability to interact and work with legislators, members of

the Governor's staff, and with the heads of the state's many agencies. Therefore, our experience and successes speak for themselves as it relates to our ability to effectively work with these individuals and groups.

GrayRobinson firmly believes in its ability to advocate before the Legislature, but also recognizes that sometimes the best advocate is the client. We will work with the City to identify opportunities for the City to not only speak on matters affecting it, but also for representatives from the City to be regarded as thought-leaders on issues that directly impact counties.

Maxims for Successful Lobbying

- **Know Your Strengths** – Perhaps the most important, yet overlooked rule in lobbying is to know your strengths. Some may claim to have a great relationship with all 160 legislative members and all four cabinet members. However, unless a lobby team employs an army for a staff and every "soldier" is fully competent to handle the complex issues inherent in Tallahassee lobbying, this is impossible. Between the many members, individual and committee staff, the press and competing interests, a lobbyist can lose track of issues quickly. Our team constantly monitors the progress of our initiatives, so that we can quickly recognize where we may be falling short and need to redouble our efforts. As an example, if we are actively working on 20 bills during a given session, we always keep an up-to-the-moment running list on hand of committee stops and note when we have "touched" a member on the issue/bill. If our relationships on a particular committee are not the strongest, we stop at nothing to work "back channels" to ensure our message is heard. In other words, we know our strengths and we maximize them through capitalizing on our strongest relationships and tracking legislation with precision. We believe whole-heartedly in the mantra that "if you don't know the vote count before the meeting begins, you didn't do your job." Certainly there are surprises from time to time, as there are in every business, but we endeavor to avoid surprises. The key though remains to know one's strengths. We must acknowledge where our shortcomings are to overcome them for our clients. We have implemented this maxim into our practice and it has proved very successful.
- **Assume Nothing** – In the legislative lobbying process, there is plenty of information (and misinformation) through which one must sort. There is the word of a member, of his/her aide, of committee staff, or that of another lobbyist. Often times, the truth lies somewhere in the middle of the mixed-messages and sometimes not at all. To be clear, we are not accusing anyone, nor would we, of intentionally lying or being deceptive; we wish only to point out that in the midst of the chaos of session, accurate information can be tough to find and "trust but verify" applies to everything. With that understanding, our team seeks to always confirm "intel" received, regardless of the source, whether the news is good or bad. Bottom line: we must have accurate information in order to best achieve our clients' goals.
- **Always Have a Backup Plan** – What good is a stand-alone filed bill in the process, when so very few bills reach final passage? The answer is simple – a filed bill is nothing but a good start. In 2012, less than 15% of bills filed before session actually passed through both chambers. We firmly believe that a good lobbyist must have backup plans and backups for the backup plans. In 2013 session, we had major success for our clients, but much of that came through the amendatory process. With any issue you bring to us, GrayRobinson will seek the desired result through all avenues and thus, we are confident we can achieve success.

- **Be Honest and Direct** – Perhaps an ironic maxim for a lobbyist, but it is one of utmost importance to our practice. We are often our clients' sole presence in Tallahassee. As such, we are intent upon being highly ethical and honest when dealing with all participants in the legislative process. A dishonest or underhanded "label" never escapes someone in this process once a perception has taken hold. We refuse to hurt our clients or our firm in that situation. We can commit to you now that you will never have to worry about your lobbyists creating a situation where the City must own up to misrepresentations.
- **Make the Extra Call** – During the session, the lobbying process often starts early (5am) and ends late (5am). Throughout each day, there are plenty of opportunities to lobby a member and we try to take advantage of every one. Whether it is waiting outside of a member's office late in the day or early in the morning, sitting at one of the member's favorite restaurant, or making that extra call to confirm a member's vote, alleviate concern or answer questions, we do it. It can be a grueling and sometimes unfulfilling exercise, but it is the only way to truly know that we have done everything possible for a client who is counting on us and we would have it no other way. Our clients' success is our success and we make every extra call necessary to get the job done.
- **Be Good Constituents** - Utilizing GrayRobinson's 11 offices across Florida, we host many fundraisers and events in or near the members' home districts. Therefore, almost universally, we are viewed not only as Tallahassee consultants, but as constituents, neighbors, and a local employer. We fully leverage this statewide reach to ensure that members of the House and Senate based in or near the communities of our 11 offices know and trust our team, and to that effect, legislators readily welcome our requests and client concerns.

In conclusion, our experience with passing legislation that implements good public policy, obtaining funding for worthy projects and initiatives, and advocating to regulatory agencies for our clients makes GrayRobinson uniquely suited to serve the City in this capacity. We look forward to achieving more success for you in the near and long-term future.

Section 5: Fees

GrayRobinson would be pleased to continue to represent the City of Key West. In handling this representation, we would like to provide the following fee proposal:

Fixed fee:

- \$6,000/month = \$72,000/year
- \$25 Executive Lobbyist registration fee for each team member
- Up to \$50 Legislative Lobbyist registration fee for each team member

Any expenses for travel at the City's request would be billed separately.

ANTI-KICKBACK AFFIDAVIT


STATE OF FLORIDA

SS


COUNTY OF MONROE

I, the undersigned, hereby duly sworn, depose and say that no portion of the sum herein bid will be paid to any employee of the City of Key West as a commission, kickback, reward or gift, directly or indirectly by me or any member of my firm or by an officer of the corporation.

BY: Jason L. Unger



sworn and prescribed before me this 26 day of March, 2014


NOTARY PUBLIC, State of Florida

My commission expires: _____



SWORN STATEMENT PURSUANT TO SECTION 287.133(3)(A)
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY
PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS,

1. This sworn statement is submitted to City of Key West
by Jason L. Unger, Shareholder
(Print individual's name and title)
for GrayRobinson, P.A.
(print name of entity submitting sworn statement)

whose business address is 301 South Bronough St., Suite 600, Tallahassee, FL 32301
and (if applicable) its State Employer Identification Number (FEIN) is 59-1300132
(If the entity has no FEIN, include the Social security Number of the individual signing
this sworn statement: N/A

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or state law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "conviction" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any state court of record relating to charges brought by indictment of information after July 01, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:

1. A predecessor or successor of a person convicted of a public entity crime;
or

2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. the term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment of income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement (indicate which statement applies).

N Neither the entity submitting this sworn statement, or any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 01, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 01, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (attach a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH ONE (1) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR THE CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.


(SIGNATURE)

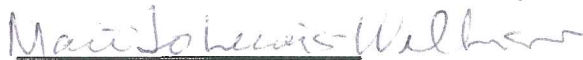
March 26 2014
(DATE)

STATE OF Florida

COUNTY OF Levy

PERSONALLY APPEARED BEFORE ME, the undersigned
authority Jason L. Gregg who, after first being sworn by me,
(name of individual)

affixed his/her signature in the space provided above of this
26 day of March, 2014


NOTARY PUBLIC

My commission expires:



CONE OF SILENCE

STATE OF FLORIDA

SS:

COUNTY OF ~~MONROE~~ *Leon*

I the undersigned hereby duly sworn, depose and say that all owner(s), partners, officers, directors, employees and agents representing the firm of GrayRobinson, P.A. have read and understand the limitations and procedures regarding communications concerning City of Key West issued competitive solicitations pursuant to City of Key West Ordinance Section 2-773 Cone of Silence (attached).

BY: *[Signature]*

sworn and prescribed before me this

26

day of

March, 2014

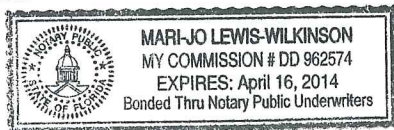
by Jason L. Kinger, personally

NOTARY PUBLIC, State of Florida

Mari-jo Lewis-Wilkinson

known to me.

My commission expires:



Sec. 2-773. Cone of silence.

(a) Definitions. For purposes of this section, reference to one gender shall include the other, use of the plural shall include the singular, and use of the singular shall include the plural. The following definitions apply unless the context in which the word or phrase is used requires a different definition:

(1) Competitive Solicitation means a formal process by the City of Key West relating to the acquisition of goods or services, which process is intended to provide an equal and open opportunity to qualified persons and entities to be selected to provide the goods or services. Competitive Solicitation shall include request for proposals ("RFP"), request for qualifications ("RFQ"), request for letters of interest ("RFLI"), invitation to bid ("ITB") or any other advertised solicitation.

(2) Cone of Silence means a period of time during which there is a prohibition on communication regarding a particular Competitive Solicitation.

(3) Evaluation or Selection Committee means a group of persons appointed or designated by the City to evaluate, rank, select,

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

or make a recommendation regarding a Vendor or the Vendor's response to the Competitive Solicitation. A member of such a committee shall be deemed a city official for the purposes of subsection (c) below.

(4) Vendor means a person or entity that has entered into or that desires to enter into a contract with the City of Key West or that seeks

an award from the City to provide goods, perform a service, render an opinion or advice, or make a recommendation related to a Competitive Solicitation for compensation or other consideration.

(5) Vendor's Representative means an owner, individual, employee, partner, officer, or member of the board of directors of a Vendor, or a consultant, lobbyist, or actual or potential subcontractor or sub consultant who acts at the behest of a Vendor in communicating regarding a Competitive Solicitation.

(b) Prohibited Communications.

A Code of Silence shall be in effect during the course of a Competitive Solicitation and prohibit:

(1) Any communication regarding a particular Competitive Solicitation between a potential Vendor or Vendor's Representative and the City's administrative staff including, but not limited to, the city manager and his or her staff;

(2) Any communication regarding a particular Competitive Solicitation between a potential Vendor or Vendor's Representative and the Mayor, City Commissioners, or their respective staff;

(3) Any communication regarding a particular Competitive Solicitation between a potential Vendor or Vendor's Representative and any member of a City evaluation and/or selection committee therefore; and

(4) Any communication regarding a particular Competitive Solicitation between the Mayor, City Commissioners, or their respective staff, and a member of a City evaluation and/or selection committee therefore.

(c) Permitted Communications

Notwithstanding the foregoing, nothing contained herein shall prohibit:

(1) Communication between members of the public who are not

Vendors or a Vendor's representative and any city employee, official or member of the City Commission;

(2) Communications in writing at any time with any city employee, official or member of the City Commission, unless specifically prohibited by the applicable Competitive Solicitation.

(A) However, any written communication must be filed with the City Clerk. Any City employee, official or member of the City Commission receiving or making any written communication must immediately file it with the City Clerk.

(B) The City Clerk shall include all written communication as part of the agenda item when publishing information related to a particular Competitive Solicitation;

(3) Oral communications at duly noticed pre-bid conferences;

(4) Oral presentations before publically noticed evaluation and/or selection committees;

(5) Contract discussions during any duly noticed public meeting;

(6) Public presentations made to the City Commission or advisory body thereof during any duly noticed public meeting;

(7) Contract negotiations with city staff following the award of a Competitive Solicitation by the City Commission; or

(8) Purchases exempt from the competitive process pursuant to section 2-797 of these Code of Ordinances;

(d) Procedure

(1) The Cone of Silence shall be imposed upon each Competitive Solicitation at the time of Public Notice of such solicitation as provided by

section 2-826 of this Code. Public notice of the Cone of Silence shall be included in the notice of the Competitive Solicitation. The city manager shall issue a written notice of the release of each Competitive Solicitation to the affected departments, with a copy thereof to each Commission member, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this ordinance.

(2) The Cone of Silence shall terminate at the time the City Commission or other authorized body makes final award or gives final approval of a contract, rejects all bids or responses to the Competitive Solicitation, or takes other action which ends the Competitive Solicitation.

(3) Any City employee, official or member of the City Commission that is approached concerning a Competitive Solicitation while the Cone of Silence is in effect shall notify such individual of the prohibitions contained in this section. While the Cone of Silence is in effect, any City employee, official or member of the City Commission who is the recipient of any oral communication by a potential Vendor or Vendor's Representative in violation of this section shall create a written record of the event. The record shall indicate the date of such communication, the persons with whom such communication occurred, and a general summation of the communication.

(e) Violations/penalties and procedures.

(1) A sworn complaint alleging a violation of this ordinance may be filed with the City Attorney's office. In each such instance, an initial investigation shall be performed to determine the existence of a violation. If a violation is found to exist, the penalties and process shall be as provided in section 1-15 of this Code.

(2) In addition to the penalties described herein and otherwise provided by law, a violation of this ordinance shall render the Competitive Solicitation void at the discretion of the City Commission.

(3) Any person who violates a provision of this section shall be prohibited from serving on a City of Key West advisory board, evaluation and/or selection committee.

(4) In addition to any other penalty provided by law, violation of any provision of this ordinance by a City of Key West employee shall subject said employee to disciplinary action up to and including dismissal.

(5) If a Vendor is determined to have violated the provisions of this section on two more occasions it shall constitute evidence under City Code section 2-834 that the Vendor is not properly qualified to carry out the obligations or to complete the work contemplated by any new Competitive Solicitation. The City's Purchasing Agent shall also commence any available debarment from city work proceeding that may be available upon a finding of two or more violations by a Vendor of this section.

EQUAL BENEFITS FOR DOMESTIC PARTNERS AFFIDAVIT

STATE OF FLORIDA)

: SS

COUNTY OF LEON)

I, the undersigned hereby duly sworn, depose and say that the firm of Gray Robinson, P.A. provides benefits to domestic partners of its employees on the same basis as it provides benefits to employees' spouses per City of Key West Ordinance Sec. 2-799.

By: 

Sworn and subscribed before me ~~this~~ by Jason L. Unger, personally known to me, this 26 day of March, 2014.

Mari-Jo Lewis-Wilkinson
NOTARY PUBLIC, State of Florida at Large

My Commission Expires: _____



City Ordinance Sec. 2-799
Requirements for City Contractors to Provide Equal Benefits for Domestic Partners

(a) Definitions. For purposes of this section only, the following definitions shall apply:

- (1) **Benefits** means the following plan, program or policy provided or offered by a contractor to its employees as part of the employer's total compensation package: sick leave, bereavement leave, family medical leave, and health benefits.
- (2) **Bid** shall mean a competitive bid procedure established by the city through the issuance of an invitation to bid, request for proposals, request for qualifications, or request for letters of interest.
- (3) **Cash equivalent** means the amount of money paid to an employee with a domestic partner in lieu of providing benefits to the employee's domestic partner. The cash equivalent is equal to the employer's direct expense of providing benefits to an employee for his or her spouse.

The cash equivalents of the following benefits apply:

- a. For bereavement leave, cash payment for the number of days that would be allowed as paid time off for the death of a spouse. Cash payment would be in the form of the wages of the domestic partner employee for the number of days allowed.
 - b. For health benefits, the cost to the contractor of the contractor's share of the single monthly premiums that are being paid for the domestic partner employee, to be paid on a regular basis while the domestic partner employee maintains such insurance in force for himself or herself.
 - c. For family medical leave, cash payment for the number of days that would be allowed as time off for an employee to care for a spouse who has a serious health condition. Cash payment would be in the form of the wages of the domestic partner employee for the number of days allowed.
- (4) **Contract** means any written agreement, purchase order, standing order or similar instrument entered into pursuant to the award of a bid whereby the city is committed to expend or does expend funds in return for work, labor, professional services, consulting services, supplies, equipment, materials, construction, construction related services or any combination of the foregoing.
 - (5) **Contractor** means any person or persons, sole proprietorship, partnership, joint venture, corporation, or other form of doing business, that is awarded a bid and enters into a covered contract with the city, and which maintains five (5) or more full-time employees.
 - (6) **Covered contract** means a contract between the city and a contractor awarded subsequent to the date when this section becomes effective valued at over twenty thousand dollars (\$20,000).
 - (7) **Domestic partner** shall mean any two adults of the same or different sex, who have registered as domestic partners with a governmental body pursuant to state or local law authorizing such registration, or with an internal registry maintained by the employer of at least one of the domestic partners. A contractor may institute an internal registry to allow for the provision of equal benefits to employees with domestic partner who do not register their partnerships pursuant to a governmental body authorizing such registration, or who are located in a jurisdiction where no such governmental domestic partnership registry exists. A contractor that institutes such registry shall not impose criteria for registration that are more stringent than those required for domestic partnership registration by the City of Key West pursuant to Chapter 38, Article V of the Key West Code of Ordinances.
 - (8) **Equal benefits** mean the equality of benefits between employees with spouses and employees with domestic partners, and/or between spouses of employees and domestic partners of employees.

(b) Equal benefits requirements.

- (1) Except where otherwise exempt or prohibited by law, a Contractor awarded a covered contract pursuant to a bid process shall provide benefits to domestic partners of its employees on the same basis as it provides benefits to employees' spouses.
 - (2) All bid requests for covered contracts which are issued on or after the effective date of this section shall include the requirement to provide equal benefits in the procurement specifications in accordance with this section.
 - (3) The city shall not enter into any covered contract unless the contractor certifies that such contractor does not discriminate in the provision of benefits between employees with domestic partners and employees with spouses and/or between the domestic partners and spouses of such employees.
 - (4) Such certification shall be in writing and shall be signed by an authorized officer of the contractor and delivered, along with a description of the contractor's employee benefits plan, to the city's procurement director prior to entering into such covered contract.
 - (5) The city manager or his/her designee shall reject a contractor's certification of compliance if he/she determines that such contractor discriminates in the provision of benefits or if the city manager or designee determines that the certification was created, or is being used for the purpose of evading the requirements of this section.
 - (6) The contractor shall provide the city manager or his/her designee, access to its records for the purpose of audits and/or investigations to ascertain compliance with the provisions of this section, and upon request shall provide evidence that the contractor is in compliance with the provisions of this section upon each new bid, contract renewal, or when the city manager has received a complaint or has reason to believe the contractor may not be in compliance with the provisions of this section. This shall include but not be limited to providing the city manager or his/her designee with certified copies of all of the contractor's records pertaining to its benefits policies and its employment policies and practices.
 - (7) The contractor may not set up or use its contracting entity for the purpose of evading the requirements imposed by this section.
- (c) Mandatory contract provisions pertaining to equal benefits. Unless otherwise exempt, every covered contract shall contain language that obligates the contractor to comply with the applicable provisions of this section. The language shall include provisions for the following:
- (1) During the performance of the covered contract, the contractor certifies and represents that it will comply with this section.
 - (2) The failure of the contractor to comply with this section will be deemed to be a material breach of the covered contract.
 - (3) If the contractor fails to comply with this section, the city may terminate the covered contract and all monies due or to become due under the covered contract may be retained by the city. The city may also pursue any and all other remedies at law or in equity for any breach.
 - (4) If the city manager or his designee determines that a contractor has set up or used its contracting entity for the purpose of evading the requirements of this section, the city may terminate the covered contract.
- (d) Enforcement. If the contractor fails to comply with the provisions of this section:
- (1) The failure to comply may be deemed to be a material breach of the covered contract; or
 - (2) The city may terminate the covered contract; or
 - (3) Monies due or to become due under the covered contract may be retained by the city until compliance is achieved; or
 - (4) The city may also pursue any and all other remedies at law or in equity for any breach;
 - (5) Failure to comply with this section may also subject contractor to the procedures set forth in Division 5 of this article, entitled "Debarment of contractors from city work."
- (e) Exceptions and waivers.

The provisions of this section shall not apply where:

- (1) The contractor does not provide benefits to employees' spouses.
- (2) The contractor is a religious organization, association, society or any non-profit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society.
- (3) The contractor is a governmental entity.
- (4) The sale or lease of city property.
- (5) The provision of this section would violate grant requirement, the laws, rules or regulations of federal or state law (for example, The acquisition services procured pursuant to Chapter 287.055, Florida Statutes known as the "Consultants' Competitive Negotiation Act").
- (6) Provided that the contractor does not discriminate in the provision of benefits, a contractor may also comply with this section by providing an employee with the cash equivalent of such benefits, if the city manager or his/her designee determines that either:
 - a. The contractor has made a reasonable yet unsuccessful effort to provide equal benefits. The contractor shall provide the city manager or his/her designee with sufficient proof of such inability to provide such benefit or benefits which shall include the measures taken to provide such benefits or benefits and the cash equivalent proposed, along with its certificate of compliance, as is required under this section.
- (7) The city commission waives compliance of this section in the best interest of the city, including but not limited to the following circumstances:
 - a. The covered contract is necessary to respond to an emergency.
 - b. Where only one bid response is received.
 - c. Where more than one bid response is received, but the bids demonstrate that none of the bidders can comply with the requirements of this section.
- (f) City's authority to cancel contract. Nothing in this section shall be construed to limit the city's authority to cancel or terminate a contract, deny or withdraw approval to perform a subcontract or provide supplies, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity prequalification, or otherwise deny a person or entity city business.
- (g) Timing of application. This section shall be applicable only to covered contracts awarded pursuant to bids which are after the date when this section becomes effective.