

A sea change in local politics

BY DAVE TRECKER
Florida Weekly Correspondent

Many feel — include me among them — that the stunning results of the Naples City Council election are just the beginning of sweeping political changes in the area.



TRECKER

And the Naples results were indeed stunning. Ignoring editorial advice from the Naples Daily News and support of incumbents by the local Republican Party, voters threw out every single entrenched politician. Swept the

slate clean.

Three new councilmen and a new mayor, Teresa Heitmann, join two like-minded lawmakers on the new council. Of the old guard, only vice-mayor Gary Price remains.

Is this good or bad? I don't know. What I do know is that city government will be very different in the future — at least in the post-coronavirus future. We can expect a more cautious approach to

development and a stronger focus on the environment.

Where did the incumbents go wrong? According to a long-time observer of Naples politics, "There was little or no concern about the environment, refusal to let citizens vote on the ethics issue, and a lack of adherence to land-development codes, the city charter and city codes." Ouch.

Similar concerns apply to the county. Virtually nothing, other than talk, has been done to deal with pollution problems that have plagued our waterways and shoreline, promoting red tide and buildup of toxic algae. And responsible management of growth in the county has fallen woefully short.

A painful example is Rivergrass Village, the first of several developer-planned communities proposed for farmlands to the east. Ignoring passionate opposition by civic and taxpayer groups, the Planning Commission and the Conservancy of Southwest Florida, the Collier board of county commissioners approved the "vil-

lage" by a 3-2 vote in January.

Shortly thereafter several officials resigned, and the Conservancy filed a lawsuit against the county, alleging its actions were inconsistent with the county's own growth plan and land development code. Several things are at issue: furtherance of urban sprawl, destruction of panther habitat and a lack of fiscal neutrality — meaning taxpayers will be stuck with costs for roads and infrastructure.

And that's a big problem. While not everyone gets stirred up about panther habitat, most residents oppose a "phantom tax" to support developers. Unfortunately, more hidden taxes may be on the way. Hyde Park, a sister community recently rejected by the Planning Commission, will come before the BCC for approval later this year.

Meanwhile an even more contentious issue is playing out along the shoreline. It involves a multi-use development called One Naples, proposed for a six-acre site near the Gulf. The plan calls for two 16-story condo-

minium towers, three 5-story residential buildings, offices, a shopping center and a marina — a densely packed nightmare. Not surprisingly, it has stirred up a hornet's nest of opposition.

Vanderbilt Beach and the nearby communities of Pelican Bay and Pelican Marsh foresee massive traffic and congestion problems, as well as further crowding of a public beach. Angry residents have organized, opened a website (SaveVanderbiltBeach.com) and started raising money for a legal battle.

Will these things have political implications, a repeat of what happened in Naples? Very possibly.

Six candidates are running to replace retiring Commissioner Donna Fiala, who cast the deciding vote in favor of Rivergrass Village. The candidates' positions on One Naples, Hyde Park and other rural communities may well decide who is elected to fill Fiala's seat.

Whatever the outcome, the election will set the stage for how Collier County manages future growth — for better or for worse. ■

— A retired Pfizer executive, Dave Trecker serves on a number of local boards.



CHARLIE MCDONALD PHOTOGRAPHY / COURTESY PHOTO

More than 65 men turned out on March 10 to take part in Take A Stand, an educational door hanger project coordinated by The Shelter for Abused Women & Children.

Local men "walk the walk," raise domestic violence awareness

BY KAYDEE TUFF
Special to Florida Weekly

More than 65 Collier County men turned out to "walk the walk" on March 10, Gentlemen Against Domestic Violence Day, part of the Take A Stand initiative coordinated by The Shelter for Abused Women & Children.

"We were thrilled with the turnout," said Take A Stand chairman Dan Bennewitz. "Nationally, over 80 percent of domestic violence is perpetrated by men. It's up to us to stand as equal partners with women to stop and prevent it."

The event was held in partnership with the Collier County Sheriff's Office, Naples Police Department and the State Attorney's Office. That afternoon, teams of volunteers, officers, GADV members and shelter staff distributed thousands of educational door hangers to raise awareness

of domestic violence and how to get help.

Earlier in the day, GADV leaders accepted a proclamation by Collier County Commissioners commemorating the second Gentlemen Against Domestic Violence Day. GADV was formed in 2008 by a group of like-minded men as an initiative of the shelter. Since its formation, the group has raised more than \$1.8 million to support shelter services, educate the community and create social change.

"We are especially proud of these men because they are truly 'walking the walk,'" said Shelter CEO Linda Oberhaus. "We hope their willingness to be a visual presence will be an inspiration to other men in our community."

For more information, visit www.naplesshelter.org/gadv or call 239-775-3862. If you or someone you know is impacted by domestic violence, call the shelter's 24-hour crisis line at 239-775-1101. ■

Court backs vacation-rental platforms in tax dispute

NEWS SERVICE OF FLORIDA

Calling the companies "simply conduits," a divided appeals court ruled that Airbnb and similar vacation-rental platforms are not required to collect and send in county tourist-development taxes.

A panel of the 4th District Court of Appeal, in a 2-1 decision, upheld a circuit judge's ruling in favor of Airbnb, TripAdvisor and HomeAway in a battle with Palm Beach County Tax Collector Anne Gannon over collection of the so-called "bed taxes."

Counties have the option to impose bed taxes on short-term rentals and use the money for tourism-related purposes. Hotels, for example, collect the taxes on customer bills and remit the money.

But the March 25 decision centered on whether the online platforms, which serve as sort of high-tech middlemen between property owners and renters, should also collect and send in taxes. The platforms accept payments from renters and pass along the money to property owners.

The court majority rejected the tax collector's arguments that the platforms should be considered "dealers" under state law, a description that would require them to collect and remit taxes. The ruling said a dealer is "one who can grant a possessory interest in the property."

"Based on our ... determination that the companies are simply conduits and do not have any possessory interests in the properties, the companies are not 'dealers' as contemplated under the (county) ordinance and the ... statutes," said the seven-page majority decision, written by Judge Dorian Damoorgian and joined by Chief Judge Spencer Levine. "Rather, a 'dealer' is the owner of the property, or the owner's agent, who ultimately receives the consideration." ■



But Judge Robert Gross wrote a dissent that focused heavily on parts of state law that say the "person receiving the consideration" for a lease or rental is responsible for collecting and remitting the taxes. Citing laws, ordinances and a state administrative rule, he wrote that online platforms receive the rental payments and, as a result, are responsible for handling the taxes.

"The impact of these statutes, ordinances, and rule is crystal clear," Judge Gross wrote. "The law focuses on that 'magic moment' when a person comes into possession of a rental payment, which triggers the obligation of that person to collect the (tourist development tax) and remit it to the proper taxing authority. Both Airbnb and TripAdvisor qualify as agents who 'receive rent as the owner's representative' within the meaning of (the administrative rule). The companies' terms of service provide that they will act as payment collection agents to receive funds from customers." ■

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