

For the International Municipal Lawyer's Association - IMLA's 5 things to know for December 14th.

1. Yesterday, an intermediate appellate court in Florida affirmed a decision by a lower court to invalidate the City of Miami Beach's efforts to require a higher minimum wage in the city. To do so, the court needed to harmonize a legislative preemption statute with a citizen inspired constitutional amendment that shortly followed it and seemingly authorized local governments to increase the minimum wage. Siding with the legislature, the appeals court chose to find the city's efforts preempted. IMLA anticipates seeing this case petitioned to the state Supreme Court. Concerned about preemption, join IMLA's preemption workgroup and don't let my antipathy for the Florida Legislature cloud your take on this.

<http://www.3dca.flcourts.org/Opinions/3D17-0705.pdf>

2. On a happier note, the same appellate court affirmed a decision that the Fraternal Order of Police lacked standing to sue the City of Miami in a representational capacity to seek damages asserting that the oral portion of a promotional exam was unlawful. Congratulations to Miami City Attorney Victoria Mendez for this strong win.

<http://www.3dca.flcourts.org/Opinions/3D16-1849.pdf>

3. Do ethics laws require lawyers to use encrypted emails? Pete Haskel who leads our ediscovery workgroup forwarded along an article discussing how encryption software has made protecting communications much easier and less costly both of which argue in favor of incorporating the technology into a law practice. Join Pete for our regular monthly ediscovery calls and follow his City Attorney Tech.

<https://thenextweb.com/contributors/2017/12/13/encrypted-messaging-must-small-business/>

4. The number of pedestrian deaths increased dramatically last year. Cities and counties alarmed by the increase seek different ways to reduce this statistic. Solicitation in the roadways and on medians can be a contributing cause. In Montgomery County, Maryland a bill was introduced this week to prohibit solicitations in roadways. Legislators and their attorneys must develop the legislative record reflecting the public safety basis for these types of laws and draft them narrowly to protect those specific public safety concerns.

https://www.montgomerycountymd.gov/council/resources/files/lms/bill/2017/Introduction/pdf/3572_1465_Introduction_12122017.pdf

<https://www.npr.org/2017/03/30/522085503/2016-saw-a-record-increase-in-pedestrian-deaths>

5. Public records laws can lead to significant challenges for local governments. In responding to a lawsuit Tallahassee leaders directed development of a policy to collect and retain text messages just as they do emails. The new policy prohibits employees and officials from using their personal devices for public business.

<http://www.tallahassee.com/story/news/2017/12/07/after-lawsuit-city-officials-pledge-release-text-messages/930507001/>

IMLA members are cities, counties and special districts and we provide service to them through their law departments. Joining IMLA allows attorneys for members to get up to date training and information on a wide range of legal issues. Today, members get a free webinar on dealing with utilities that damage your roadways. Sign up at www.imla.org. Not a member? Contact us. Have a great day and make it an inspirational one.