

BOARD OF COUNTY COMMISSIONERS

DATE: November 19, 2013

AGENDA ITEM NO. 17

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

County Administrator's Signature

Subject:

Adoption of the 2014 State Legislative Program

Department:

County Administrator

Staff Member Responsible:

Wendy Nero, Intergovernmental Relations Manager *Wendy Nero*

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) ADOPT THE ATTACHED 2014 STATE LEGISLATIVE PROGRAM.

Summary Explanation/Background:

This document represents the Board's State Legislative Program for the 2014 Legislative Session. It is understood that it is not an exhaustive list and other issues may evolve that may require the Board's action to revise the program.

County staff will closely monitor these items as the legislative process progresses. The day-to-day issues will be managed by our state lobbying team in Tallahassee.

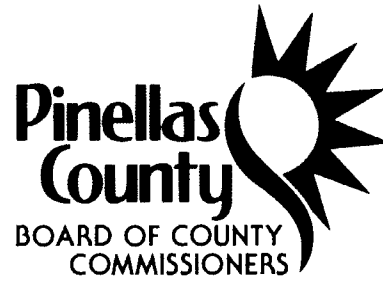
Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

2014 State Legislative Program

Wendy Nero




2014 STATE LEGISLATIVE PROGRAM

November 19, 2013

PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS 2014 STATE LEGISLATIVE PROGRAM


UNFUNDED MANDATES

-  Oppose state unfunded mandates that negatively impact local government budgets and control.

Unfunded mandates by the state of Florida are usually imposed without discussion or consensus from local governments on the impacts that they may have on available resources or methods of implementation.


PRIORITY ITEMS

Affordable Housing Trust Fund (SHIP and SAIL)

-  Support full funding of the State Housing Initiatives Partnership (SHIP) and State Apartment Incentive Loan Program (SAIL).


The documentary stamp tax on deeds was created specifically to fund the Affordable Housing Trust Fund but state lawmakers continue to redirect the funds raised (approximately \$100 million annually) to the general revenue account. All monies collected from the Sadowski Affordable Housing Trust Fund should be used for their intended purpose – housing.


Court-Related Functions Expenditure

-  Support legislation to remove the unfunded mandate that county expenditures for certain court-related functions increase by 1.5 percent per year, regardless of need.


Article V, Revision 7 of the State Constitution redefined the responsibilities of the state and county with regard to Court-related funding. Florida Statutes Section 29.008(4) includes a mandate that County expenditures in certain categories increase by 1.5 percent per year. This mandate has no relation to the dedicated funding sources for these expenditures which were, and are, inadequate to support current levels. The Legislature suspended this requirement for the past several fiscal years. The requirement should be permanently eliminated.


Department of Health Reorganization


-  Support continued funding for the Pinellas County Health Department to maintain their ability to provide primary care and direct patient care services.

-  Oppose any state reductions to the County Health Department Trust Funds and any legislation which proposes to reduce or eliminate the provision of primary health care services by the County Health Departments.


Department of Juvenile Justice Billing

-  Support juvenile justice reforms that reduce county financial obligations for detention, revise the current billing structures, and provide for more accountable juvenile justice operations.

-  Support greater collaboration and incentives to benefit youth and reduce detention cost waste.

-  Oppose new cost obligations to the county.

Infrastructure Sales Tax (Penny for Pinellas)

-  Support a general statute amendment allowing the county to have more discretion for utilizing future Penny funds for operations or maintenance expenditures.

Medicaid Expansion



Support efforts to expand Medicaid eligibility.

Medicaid expansion would decrease the number of uninsured residents in Pinellas County and the number of individuals served through the Pinellas County Health Plan, thereby reducing the county's financial burden for medical care.

ITEMS OF GENERAL CONCERN

911 Fees on Prepaid Phones/Cards



Support the collection of 911 fees on prepaid phones and cards.

Transitions in the wireless industry from post-paid wireless phone service to prepaid service have reduced Pinellas County 911 fee revenue by more than \$500,000 in the last two years. The 911 fees would be used to maintain current 911 systems and purchase beneficial technologies such as text/picture messaging and telematics (e.g., to receive data from GPS technology companies such as OnStar about air bag deployment, vehicle rollover, etc.).

Child Protection Services



Support increased funding for the Pinellas County Sheriff's Office Child Protection Investigation Division.

Entertainment Tax Credit Incentive



Support increasing, stabilizing and extending the state entertainment tax credit incentive for films, high-impact television series, digital media and commercial production.

Commercial, film and media production in Pinellas County generates upwards of \$25 million per year.



Support funding the state Office of Film and Entertainment at a level commensurate with its statutory duties.

Fertilizer Ordinance



Oppose legislation that would pre-empt any local fertilizer ordinances established prior to July 1, 2011.

Fireworks



Oppose legislation to repeal sections of Florida Statutes Chapter 791 regarding the sale of fireworks which preempt local ordinances to restrict the sale of fireworks.

Florida Association of Counties (FAC)



Support FAC's 2014 Legislative Program policy statements which are not contrary to the policies of Pinellas County.

Draft policy statements are attached.

Florida Communities Trust (FCT) Eldridge-Wilde Grant



Oppose the recent change to the appraisal evaluation process by the State of Florida.




The revised process could result in a lower grant amount for the Eldridge-Wilde property, potentially costing the County approximately \$1.7 million dollars. The \$1.7 was intended to be placed in the CIP fund for stormwater projects.

Florida Highway Patrol




Support reallocation of Florida Highway Patrol resources to cover traffic crash investigations within Pinellas County boundaries.


Homeless Services

-  Support legislation that streamlines current state statutes relating to homelessness and associated programs.
-  Support the development of strategies that would allow local governments to work with the state and federal government to serve homeless populations.
-  Support efforts to seek a dedicated funding source to financially support homeless services (e.g. Local Option Food and Beverage tax).



Internet Retailer Tax Exemption

-  Support revisions to state sales tax laws to specify that taxes are based upon “the total consideration charged and collected from the guest for the hotel room”.
Local governments are losing significant amounts of revenue due to the way that Internet intermediaries (such as Priceline.com and Expedia.com) calculate the taxable amount of hotel room transactions.


Local Business Tax

-  Oppose legislation to repeal Florida Statutes Chapter 205 which would prevent local governments from collecting a local business tax.
The county does not currently collect the tax. However, a repeal of Florida Statutes Chapter 205 would impact our ability to take advantage of this alternative revenue source in the future.


Prescription Drugs

-  Support legislation that provides for appropriate prescribing practices including a requirement that all physicians use the Prescription Drug Monitoring Program.
-  Oppose any state action that seeks to preempt local regulatory options to curb the ongoing prescription problem.


Redevelopment Trust Funds

-  Support legislation to revise the deadline for county and city tax increment financing (TIF) payments to Community Redevelopment Agencies (CRAs) from January 1 to 30 days after certification of the final tax rolls by the Property Appraiser.
The January 1 date was established prior to the extension of the Value Adjustment Board (VAB) appeals process. Previously, final tax rolls which are used to determine the amount of TIF payments were historically certified in November. Since the revision of the VAB process, final certification does not occur until February or March.




Small Business Development Center (SBDC) Network

-  Support continued state funding for the Florida Small Business Development Center Network.
During the 2013 session, the Legislature instituted recurring funding for the state's SBDC network in order to help Florida's small and mid-sized businesses to grow and to assist Floridians in starting up new businesses.


Sovereign Immunity

-  Oppose any revision to the current sovereign immunity limitation thresholds.
If a sovereign immunity bill is introduced and likely to pass, include language to allow public entities to self-insure up to the new thresholds in order for a claims bill to be disallowed.


Springs Protection

-  Support legislation that provides nutrient load reductions in Florida springsheds.
-  Oppose springs protection legislation that requires local governments to pay up front for improvements and protection, with proposed reimbursement from documentary stamp revenue.
-  Oppose the Florida Department of Environmental Protection (FDEP) setting maximum fertilizer regulations, which is a local government pre-emption.
Draft legislation being prepared by Senator David Simmons to amend Florida Statutes Chapter 369 needs to be clarified. Specifically, the language varies between "Outstanding Florida Spring" and "spring", which could impact Pinellas County that has two springs, but no Outstanding Florida Springs.


Statewide Special Needs Registry

-  Oppose initiatives to amend Florida Statutes 252.355 to change the current county-based special needs program to a statewide web-based platform for registration.
It is critical for local governments to retain flexibility to administer their special needs program based on available staffing, transportation and sheltering.


Tax Email Exemption from Public Records Requests

-  Support protection of citizens' email addresses by exempting public records requests for email addresses of residents who receive a tax bill via email (e-billing).
Florida Statutes 197.322 was amended in July 2011 to allow Tax Collectors to e-mail tax bills. Pinellas County Tax Collector Diane Nelson is seeking protection for citizens against fraud before offering e-billing.

Title V Funding for Local Air Quality Program



-  Oppose any legislation that would drastically reduce or eliminate the local air quality control contract.

Uniform Chart of Accounts


-  Oppose uniform charts of accounts for reporting of financial information of state agencies, local governments, educational entities and entities of higher education.

ADDITIONAL TOPICS FOR DISCUSSION

Beach Nourishment

-  Support legislation that maintains a state funding source for beach restoration projects throughout Florida.
-  Support legislative approval of state funding for construction of erosion control structures (such as permanent rock structures) that reduce nourishment frequency requirements on highly erosive beaches.

Consumer Protection: Contractor Billing

-  Support billing reforms that protect consumers from subcontractor liens when payment was made to the originating contractor.
Reform is needed of Florida Statutes Chapter 713 regarding contractor liens levied when a consumer pays for contracted work but the originating contractor fails to pay a subcontractor.

Consumer Protection: Telemarketing



Support requirement that all telemarketing operators registered within the State of Florida record the entire telemarketing call.

A telemarketing recording will allow for audit of sales practices and protection against unfair or deceptive activities.

Non-Recurring Revenue Funding



Support funding for various projects/items utilizing non-recurring revenues.



11/7/2013

2014 DRAFT Policy Statements

***THESE POLICY STATEMENTS HAVE NOT BEEN ADOPTED BY
THE MEMBERSHIP OF THE FLORIDA ASSOCIATION OF
COUNTIES AND ARE SUBJECT TO CHANGE.***



Health & Human Services Policy Committee 2013-14 Policy Statements

Health Care

Florida Association of Counties
1000 North West 11th Street, Suite 100
Tallahassee, FL 32301
Phone: 904.921.4300 Fax: 904.488.7501

CONSENT ITEMS

Baker Act: **SUPPORT** appropriate funding as outlined in the existing state capacity formula for crisis mental health and substance abuse beds statewide. **SUPPORT** increased funding for public receiving facilities and maintaining funding for public facilities if new state general revenue is provided to private receiving facilities.

Behavioral Health System: **SUPPORT** appropriate funding for core mental health and substance abuse services. **SUPPORT** continued efforts to work through Medicaid reform initiatives to ensure that persons with substance abuse and mental health treatment needs are appropriately served. **SUPPORT** efforts to increase supportive housing, employment and education initiatives for people with behavioral health issues and/or disabilities.

County Health Departments (CHDs): **SUPPORT** maintaining state general revenue funding for CHDs, and **OPPOSE** any state reductions to the CHD Trust Funds. **SUPPORT** efforts to enable CHDs to transition to managed care under the Statewide Medicaid Managed Care Program without impacting service capacity. **SUPPORT** maintaining a coordinated system of CHDs that is centrally housed within the Department of Health (DOH). **SUPPORT** preserving the ability of CHDs to provide primary care and direct patient care services, particularly in communities without adequate substitutes or alternative providers for these services.

Emergency Medical Services (EMS): **SUPPORT** ST Segment Elevated Myocardial Infarction (STEMI) legislation that leads to better coordination of care without imposing additional liability or administrative costs on county government. **OPPOSE** legislation that preempts county authority to regulate use or register distribution of Automatic External Defibrillators (AEDs). **SUPPORT** a cost recovery mechanism if county provided training is mandated.

Graduate Medical Education (GME): **SUPPORT** efforts to fund GME programs to meet the healthcare needs of the state and its local communities, with a particular

emphasis on programs that provide for specialties in need as well as the development of physicians practice in medically underserved areas.

Statewide Medicaid Managed Care Program: **SUPPORT** including County Health Departments as priority providers within the Medicaid Managed Care Program and protect their ability to deliver primary care services to the communities they serve. **SUPPORT** carving out the coordinated Transportation Disadvantaged (TD) system to avoid fragmentation, inefficient operation, and costly duplication of TD services. **SUPPORT** the continuation of the Medically Needy program.

Trauma Care System: **SUPPORT** efforts to maintain and enhance established trauma care funding, including incentives for the development of new trauma centers. **OPPOSE** any efforts to shift the state's financial responsibility for the trauma system to counties or divert trauma care funding for purposes other than those intended by the existing legislation.

NEW AND REVISED ITEMS

County Share of Cost for Medicaid Services: ~~FAC **SUPPORTS** the dissolution of the current county-state Medicaid contributory relationship in a manner that: (1) absolves counties of all financial responsibilities related to the provision of Medicaid services in Florida; (2) eliminates associated administrative burdens for the counties and the state; and, (3) equitably mitigates any potential fiscal impact for all affected parties. However, absent the identification of strategies to achieve the aforementioned goals in the referenced proscribed manner, FAC **SUPPORTS** retaining the current Medicaid billing system, but only with certain statutory modifications. At a minimum, these modifications should include: (1) allowing counties to review their bills prior to payment; (2) allowing counties to pay from a revenue source of their choosing within a specified time period; and, (3) allowing the state to withhold county revenue sharing for nonpayment within a specific time period; (4) and, requiring the state, in consultation with the counties, to develop an accurate, reliable, and equitable billing process.~~

SUPPORT continued evaluation of the county-state Medicaid cost-share arrangement, taking into consideration the impacts of state policies designed to contain growth in Medicaid costs, including statewide Medicaid managed care and diagnosis related group reimbursement for hospitals. Additionally, consider possible alternatives to the current arrangement, including but not limited to:

- Alternative financing mechanisms;
- Targeted local investment of the statutory county Medicaid contribution; and
- Elimination of the unfunded mandate.

SUPPORT the efforts of the County Medicaid Workgroup to evaluate alternative formulaic distributions of the county Medicaid contributions set forth in s. 409.915, F.S. **OPPOSE** efforts to further shift state Medicaid costs to counties.

Explanation: During the 2013 Legislative Session, the Legislature passed SB 1520, which significantly modified the county-state Medicaid cost share relationship to eliminate the monthly billing system in lieu of a fixed formula-based county contribution. For the first two years, county contributions are based on past actual utilization (during 2012-13); however, beginning in FY 2015-16, the formula will begin transitioning to being based on each county's respective share of Medicaid enrollees. Additionally, the state has adopted policies in recent years that are designed, in part, to stabilize and/or reduce certain Medicaid costs. FAC supports closely evaluating the impacts of these programs to ensure that counties share in any savings derived from the various reforms.

Health Care for Veterans: SUPPORT collaboration with the Florida Department of Veterans' Affairs to steer veterans who are eligible for federal health care benefits into the appropriate federal programs.

Explanation: Certain veterans are eligible for federal health care benefits through the U.S. Department of Veterans' Affairs (VA). It is estimated that thousands of eligible veterans in Florida have not accessed this coverage, and instead remain uninsured or under-insured.

CONSENT ITEMS

Community Care for the Elderly: **SUPPORT** restoration and expansion of state funding for the Community Care for the Elderly Program, which provides cost efficient diversion from nursing home placement for impaired elders.

Healthy Families: **SUPPORT** a continuation of funding for the Florida Healthy Families program.

Open Water Life Guards: **SUPPORT** legislation that would provide for open water lifeguard agency certification in Florida.

Smoking Regulation: **SUPPORT** legislation that repeals the state statutory preemption of smoking regulation by allowing local governments to enact local regulations that exceed state standards.

Transportation Disadvantaged (TD): **SUPPORT** the continuation of a coordinated Transportation Disadvantaged (TD) system. **SUPPORT** efforts to avoid fragmentation, inefficient operation, and costly duplication of TD services. **SUPPORT** appropriate and dedicated state funding for the TD program. **SUPPORT** efforts to protect the TD trust fund. **SUPPORT** carving out the coordinated Transportation Disadvantaged (TD) system to avoid fragmentation, inefficient operation, and costly duplication of TD services.

NEW AND REVISED ITEMS

Homelessness: **SUPPORT** developing a dedicated state funding source for homeless programs. ~~restoring state funding for programs that serve the homeless.~~ **SUPPORT** legislation that streamlines current state statutes relating to homelessness and associated programs. ~~**SUPPORT** a process that would waive the fees related to obtaining personal identification from the state for persons identified as homeless.~~ **SUPPORT** the implementation of discharge protocols and/or procedures for hospitals and correctional facilities when releasing homeless persons. **SUPPORT** the development of strategies that would allow local governments to work with the state and federal government to serve target populations: the chronically homeless, veterans, and families and children, with particular emphasis on children aging out of the foster care system. **SUPPORT** continued coordination with the state's homeless planning council, specifically as it develops policies in support of the new Federal Strategic Plan to End Homelessness. **SUPPORT** efforts to extend tax credits to businesses that employ the homeless.

Recovery Residences: SUPPORT legislation defining and establishing minimum regulatory standards for recovery residence facilities, while also allowing more stringent local regulation.

Explanation: Although not specifically defined in state law, a "sober home" or "recovery residence" is a residential facility designed to provide a sober living environment for individuals recovering from substance abuse. Functioning under the theory that such living arrangements will foster sobriety and recovery for addicts, there are currently no licensing requirements or state regulations governing sober homes. Due to the lack of oversight, sober homes vary significantly throughout the state, and as expected, there are good actors and bad actors.

During the 2013 Legislative Session, SB 738 (Sen. Clemens) and HB 1089 (Rep. Grant) were filed to address the sober home issue, but both bills died in committee. Proviso language was inserted in SB 1500, the General Appropriations Act, requiring the Department of Children and Families (DCF) to study the possible licensure or registration of sober homes in Florida. DCF must submit their findings and recommendations to the President of the Senate, the Speaker of the House, and the Governor by October 1, 2013. DCF took public comment at three public meetings during the summer; the agency's report is expected in the next few weeks.

~~Unclaimed Bodies:~~ ~~SUPPORT revisions to current statute that would clarify the responsibilities of counties in the disposition of remains, eliminate redundant language, and include an updated list of definitions.~~

Explanation: HB 171 (Rep. Rooney) was passed into law during the 2013 Legislative Session. The bill authorizes counties to establish procedures for the final disposition of unclaimed human remains by ordinance or resolution.



Finance, Tax & Administration Policy Committee 2013-14 Policy Statements

Finance

Florida Association of Counties
1000 E. Washington Avenue, Suite 200
Tallahassee, Florida 32301
Phone: 904-432-0000 Fax: 904-432-7991

CONSENT ITEMS

FINANCE & TAX POLICY

Communications Services Tax: **SUPPORT** amending and/or revising current law in a manner that is: 1) revenue neutral; 2) simplifies administration and collection of the current tax; 3) provides for a broad and equitable tax base; 4) provides for enhanced stability and reliability as an important revenue source for local government; and 5) provides the opportunity for market-based growth. **OPPOSE** legislation that would revise current law in a manner that significantly reduces current local government related revenues.

Local Business Tax: **SUPPORT** the authorization of local governments to modify local ordinances in a manner that results in a more simplified, efficient and equitable tax system that benefits business and local communities. **OPPOSE** legislation that would provide for the elimination of the Local Business Tax.

E-911 Fee: **SUPPORT** collection of E-911 fee on prepaid mobile telecommunications for use in support of local government emergency communications operations.

Internet Sales Tax/"Main Street" Fairness Act: **SUPPORT** legislation that promotes an equitable competitive environment between "Brick and Mortar" businesses and remote business establishments conducting business in Florida.

Local Discretionary Revenue Flexibility: **SUPPORT** modifications to existing laws governing local discretionary revenue sources to provide greater flexibility and more efficient administration and management.

APPROPRIATIONS

Specific County Based Appropriations: **SUPPORT** maintaining current state appropriations critical to the delivery of public services at the county government level as it relates to currently funded county based appropriations in the SFY 2014-2015 budget. **SUPPORT** maintenance of existing appropriations currently funded in support of fiscally constrained counties.

NEW AND REVISED ITEMS

FINANCE & TAX POLICY

Sales Tax Exemption on Commercial Leases: **OPPOSE** legislation that would exempt state sales tax and local option sales tax on commercial leases.

Explanation/Update: *For the upcoming 2014 session two bills have been filed:*

- *House Bill 11 (Rep. Stuebe) would phase out the sales and use tax on commercial rentals by reducing the tax rate by 1% per year and completely repealing both state and local sales and use taxes in the year 2020. According to the 2013 Florida Revenue Estimating Conference, this proposal would have a negative recurring fiscal impact to local governments (mostly cities and counties) of more than \$400 million annually (by 2020).*
- *Senate Bill 176 (Sen. Hukill) would only reduce the current state sales and use tax of 6% to 5% on commercial rentals. Local option sales and use taxes would not be affected. Currently, FAC staff estimates that the negative impact to counties would be approximately \$12 million (county fiscal year 2015).*
- *The proposal was identified by the Florida Association of Realtors as its primary legislative objective for 2014.*

ECONOMIC DEVELOPMENT

Film/Television Entertainment Production Tax Incentives: **SUPPORT**

legislation that would enhance the current incentives program to foster a more sustainable and competitive environment for attracting film, television, digital, and new media related entertainment production in the State of Florida.

Explanation/Update: *Several counties have expressed interests in exploring strategies to enhance Florida's incentive program to be more competitive on a national and international basis.*

BUDGET & FINANCE ADMINISTRATION

Chart of Accounts Consolidation: **OPPOSE** legislation that would require all governmental entities in the State of Florida to utilize the same Chart of Accounts (Accounting System).

Explanation/Update: *The Legislature passed SB 1292 during the 2011 Session, requiring the Chief Financial Officer to develop a Uniform Chart of Accounts to be used by all governmental entities for the reporting of assets, liabilities, equities, revenues and expenditures. Since the passage of this legislation, the CFO's office has developed draft recommendations that may prove to be costly and burdensome in its implementation for local governments. Recently, the Florida Government Finance Officers Association produced a white paper detailing the concerns of local government entities.*

Value Adjustment Boards: **OPPOSE** legislation that would harm the ability of Value Adjustment Boards in fulfilling its role as intended by the State Constitution.

Explanation / Update: *During the 2013 Legislative Session, a Proposed Committee Substitute Bill for HB 1381 was filed with the intent of providing for several revisions to current laws governing the composition and operation of Value Adjustment Boards.*

Of primary concern to counties, the bill would have:

- *Amended the current composition of VABs to include three citizen members and only two elected officials.*
- *One of the citizen members would be appointed by the Clerk of Courts – Secretary to the VAB.*
- *Amended provisions regarding the role and duty of the VAB Attorney.*

The bill(s) failed to be passed out of committees of reference. It is anticipated that this issue will be carried forward to the 2014 legislative session.

Administration

Lisa Hurley, Legislative Advocate
Hurley@flcounties.com
Phone: 850-922-4300 or Fax: 850-488-7501

CONSENT ITEMS

Collective Bargaining: **SUPPORT** legislation clarifying that constitutional officers can resolve impasse issues at the discretion of the constitutional officer.

Elections: SUPPORT full state funding of all expenditures by supervisors of elections to comply with the requirements of the federal Help America Vote Act.

Explanation/Update: *In 2013, passage of HB 7013 extended early voting days/hours from 8 days minimum up to 14 days at the discretion of the Supervisor of Elections and increased the hours from 96 to a maximum of 168 hours. The bill also expanded the authorized sites to include civic and convention centers, fairgrounds, stadiums, courthouses and commission buildings.*

Procurement: SUPPORT the non-publishing of detailed bid estimates by creating an exemption for county and municipality projects in statute. **SUPPORT** establishing an optional (alternative) process for state and local entities to consider cost in the award of professional services agreements pursuant to the Consultants' Competitive Negotiation Act.

Public Notice: SUPPORT legislation allowing local governments to comply with public notice and legal advertisement requirements by means other than the newspaper.

Florida Retirement System (FRS): OPPOSE any FRS benefit changes that result in an increase in the FRS county and county employee contribution rates. **SUPPORT** requiring all legislation that potentially results in an increase in the FRS contribution rate to be analyzed and evaluated to determine the direct fiscal impact of proposed changes to all local and state government to be eligible for consideration.

Explanation/Update: *In 2013, HB7011/SB1392 sought to reform the FRS by either closing the Defined Benefit (pension) plan to new employees or changing the default of plan options from Defined Benefit (pension) to Defined Contribution (investment) plan.*

The Senate proposed the more conservative approach of changing the default, whereas the House sought to close the pension. The two chambers could not reach agreement and reform efforts died. It is expected that the issue will be taken up again in 2014.

Also in 2013, SB1810 contained the annual employer contribution rate adjustments, which kept significant rate increases in place beginning July 1, 2013.

Public Record and Open Meeting Exemptions for Economic Development:

SUPPORT changes to s.286.0113 and s.288.075, F.S., that would allow the Board of County Commissioners to deliberate in private regarding an economic development proposal and would allow confidential information in the possession of an economic development agency to be provided to a member of the Board of County Commissioners without the possibility of such communication being considered a disclosure, which would terminate the confidential nature of the information. Information would be released before final decision is made, however.



**Public Safety
Policy Committee**
2013-14 Policy Statements

Public Safety

Lisa M. Hurley, Esq., Senior Legislative Advocate
lhurley@flcourts.com
Phone: 850-922-4300 Fax: 850-488-7501

CONSENT ITEMS:

JUDICIAL SYSTEM

Article V: SUPPORT reducing or eliminating the requirements of s. 29.008(4)(a), F.S., that require counties to fund certain court expenditures by 1.5 percent over the prior county fiscal year.

Explanation/Update: *In 2013, counties successfully obtained an exemption from having to increase annual funding for court-related functions by 1.5% under section 29.008, Florida Statutes, for FY13-14.*

Pretrial Service Agencies: SUPPORT maintaining county ability to provide non-monetary and risk assessment pretrial release services that ensure the safety and welfare of local communities by preventing new offenses and ensuring those appear as obligated. **OPPOSE** legislation limiting the discretion of the first appearance judge, requiring written reports and eliminating the presumption of release on non-monetary conditions. **SUPPORT** changing pretrial program reporting requirements as provided in s. 907.043, F.S., from weekly to monthly updates. **OPPOSE** legislation that restricts pretrial services to only indigent defendants and **SUPPORT** legislation that requires bail bondsmen to report information as required of pretrial service agencies in s.907.043 F.

Small County Courthouse Funding: SUPPORT continued state general revenue funding for capital improvements to county courthouses and other court-related facilities located in rural counties.

Traffic Hearing Officer Program: SUPPORT full funding for traffic hearing officer programs statewide and allow magistrates to handle cases resulting from red light camera offenses.

IMPACTS TO COUNTY JAILS

Inmate Medical Costs: **SUPPORT** legislation that reduces jail expenses by setting a reimbursement amount paid by counties to medical providers for health care services for inmates and arrestees at no higher than the established Medicare rate plus 10%, the same rate as currently charged to the Department of Corrections, unless there is an existing contract in place or a business practice providing a lower rate.

Shift of Prison Inmates to Jails: **OPPOSE** any efforts to shift inmates with less than a year on their sentence at the time of sentencing to jails instead of prisons.

Explanation/Update: *As part of its annual budget reduction exercise, in 2012 the Departments of Corrections proposed amending s. 944.17(3)(a), F.S., to state that only persons with 1 year or more left on their sentences (at time of sentencing) are to be sent to prison. Such a change would have meant more than a \$100 million cost shift to the counties. FAC worked aggressively against the proposal and it was not included in the Governor's Budget Recommendation or in any legislation.*

Mentally Ill and Substance Abuse: **SUPPORT** increased funding of the Criminal Justice Mental Health and Substance Abuse Reinvestment Grant Program with recurring dollars in a trust fund. **SUPPORT** sustainable matching state funds to counties that have received both planning and implementation Reinvestment Grant funds.

JUVENILE JUSTICE

Juvenile Detention: **SUPPORT** the state taking full responsibility for funding and operation of detention facilities serving juveniles, both for pre-disposition and post-disposition days and implementing juvenile justice reform, as recommended by the Detention Cost Share Proviso Workgroup. In the alternative, **SUPPORT** the dissolution of the current shared County-State Detention relationship in a manner that eliminates the administrative burdens for all parties and establishes a more collaborative and equitable detention model.

Explanation/Update: *In June 2013, the First District Court of Appeal in DJJ v. Okaloosa, et al. (Case No. 1D12-3929) affirmed a DOAH Final Order in Okaloosa, et al. v. DJJ (Case No. 12-0891RX) that invalidated rules DJJ promulgated to administer the cost/share relationship. The practical effect of which was that, for years, DJJ improperly shifted financial responsibility for detention days to the counties. County costs estimates for FY13-14 dropped from \$71 million to \$32 million, leaving the State with a budget deficit to fund. It is expected that the Legislature will look for ways to mitigate additional funding requirements, which may present an opportunity to establish a more equitable detention model.*

Cost of Care: **SUPPORT** legislation allowing counties to charge juveniles, or the parents of juveniles, for the costs of providing pre-adjudicatory, secure detention care based on their availability to pay.

Juvenile Assessment Centers (JAC Centers): **SUPPORT** state funding of JAC Centers throughout Florida to strive to achieve equal treatment of youth offenders.

GENERAL PUBLIC SAFETY

Crystal Methamphetamine: **SUPPORT** dedicated state funding for local and regional crystal methamphetamine enforcement, cleanup, and treatment.

Synthetic Drugs: **SUPPORT** expanding the controlled substance schedule to include new iterations of synthetic formulas that mimic the effects of illegal drugs. **SUPPORT** prohibiting certain types of packaging and marketing of any products claiming to mimic the effects of illegal drugs.

Explanation/Update: *In 2013, SB 294 expanded Schedule I of the controlled substances register to include 22 new formulas of synthetic drugs; all 22 formulas were included in the Attorney General's December 2012 Emergency Order. FAC supported the legislation throughout the process.*

Pain Management Clinics: **OPPOSE** preemption of the regulation of pain management clinics to the state.

Explanation/Update: *In 2013, SB 1192/HB 831 sought to preempt, or at least in part, restrict counties' ability to regulate pain management clinics and their practitioners. FAC opposed the effort and both bills eventually died during the final days of session.*

County Emergency Radio Systems: **OPPOSE** legislation that would shift funds or impede counties from building and maintaining an interoperable radio communication system as authorized by statute.

Crime Lab Funding: **SUPPORT** additional funding for locally-operated crime analysis laboratories.

Copper and Other Metals Thefts: **SUPPORT** legislation strengthening laws related to copper and other metals thefts and secondary metals recyclers to deter thefts from local governments, businesses and individuals. **SUPPORT** legislation increasing the penalties for illegal purchase of scrap metals. **OPPOSE** legislation preempting local scrap metal ordinances from being more restrictive.

NEW AND REVISED ITEMS:

JUVENILE JUSTICE

Juvenile Detention:

(1) SUPPORT *legislation that codifies the financial responsibility of the counties and state as upheld by Florida's courts.*

OR

(2) SUPPORT *legislation that codifies the financial responsibility of the counties and state as upheld by Florida's courts and allows counties to pay actual costs on a monthly reimbursement basis.*

OR

(3) SUPPORT *funding for the secure detention as upheld by Florida's courts.*

OR

(4) SUPPORT *initiatives which reduce juvenile detention through prevention, treatment, and rehabilitation services.*

CONSENT ITEMS

Shelter Funding and Standards: Consistent with the provisions of s. 252.385, F.S., which states that it is the intent of the Legislature that this state not have a deficit of safe shelter space by 1998 and thereafter, **SUPPORT** additional state funding for hurricane shelter spaces, including retrofitting existing facilities, and providing for the increased cost of construction for Enhanced Hurricane Protection Areas (EHPA) associated with new school construction. **SUPPORT** statutory revisions requiring nursing homes and assisted living facilities to have back-up power supply sources that operate a majority of the mechanical systems in the facility for a minimum of 72 hours. **SUPPORT** state funding for county and regional special needs patients and shelters.

Background Checks for Emergency Volunteers: **SUPPORT** a legislative review of the intent of background screening requirements of Chapter 2010-14, Laws of Florida with respect to volunteers in emergencies.

Persons with Special Needs: **SUPPORT** legislative changes to s.252.355 F.S. that provide additional privacy protections to all individuals who voluntarily register with local emergency management agencies.

Emergency Operation Centers (EOCs): **SUPPORT** continued state funding for county EOCs to ensure each is able to meet the minimum structural survivability and operational space criteria established by the state and federal government and the American Red Cross.

Disaster Funding: **SUPPORT** a 50/50 cost-share arrangement with the state for the non-federal portion of the Hazard Mitigation Grant Program (HMGP). **SUPPORT** the current HMGP fund allocation and project selection process defined in Rule 9G-22, Florida Administrative Code. **SUPPORT** the creation of an emergency bridge loan program for counties to provide a source of expedient cash flow to counties impacted by a major catastrophe. Alternatively, **SUPPORT** expanding the current Florida Small Business Emergency Loan Program by making counties eligible applicants.

Emergency Management Credentialing: To strengthen the professionalism of County Emergency Management Directors, **SUPPORT** efforts that provide enhanced training and education opportunities for County Emergency Management employees. **OPPOSE** any state mandated training and hiring requirements for County Emergency Management Directors.

NEW AND REVISED ITEMS

Emergency Management Preparedness and Assistance (EMPA) Trust Fund:

SUPPORT maintaining the original intent and purpose of the EMPA Trust Fund, which is to serve as a funding source for state and local emergency management programs, by ensuring that all monies collected for purposes of funding emergency management, preparedness and assistance are deposited into the EMPA Trust Fund and spent on emergency management activities. Accordingly, FAC's **OPPOSES** legislative sweeps of the EMPA trust fund for non emergency management purposes and **SUPPORTS** an increase to the county base grant funding, which has remain unchanged for nearly a decade. **SUPPORT** changes to the EMPA trust fund by ensuring the \$2.00 and \$4.00 annual surcharge on all homeowner and business insurance policies is assessed on either a per-parcel or per-unit basis of coverage, rather than on a single policy.

SUPPORT a repeal of the service charge to general revenue on the EMPA trust fund and redirect these monies back to the counties in the same manner in which the EMPA base grant is distributed. ~~**SUPPORT** The Division of Emergency Management's Legislative Budget Request to increase base grant funding by \$10,000 per county.~~

Explanation/Update: *Currently, each county receives approximately \$105,000 from the EMPA trust fund for emergency management purposes. While there have been incremental increases to the trust fund over the past decade, county allocations have remained flat during this same time period, while responsibilities have increased. Additionally, for State FY 12/13, the Legislature swept approximately \$3.5 million to general revenue, while another roughly \$5 million was redirected in 2010.*

~~**OPPOSE** efforts to amend Chapter 252, F.S., to impose mandates on counties relating to functional needs access to general population shelters. **SUPPORT** legislative review, or an opinion, from the State Attorney General, of Federal "Functional Needs Support Services Shelter Guidance" and its impact on Florida shelter standards and policies and the statutory mission of the Special Needs Interagency Committee.~~

Explanation/Update: *FAC and the Florida Emergency Preparedness Association (FEPA) will continue to work with FDEM to address this issue.*

Emergency Management Ranking: **SUPPORT** working with the Florida Department of Emergency Management on developing an appropriate ranking/typing of county emergency management offices.



Growth, Agriculture & Environment Policy Committee 2013-14 Policy Statements

Growth Management

Eric Poole, Assistant Legislative Director
Email: eric@facsouth.com
Phone: 850-922-4300 Fax: 850-488-7501

CONSENT ITEMS

GROWTH MANAGEMENT IMPLEMENTATION

Growth Management Reform: The growth reforms of 2011 represented the most significant changes to the state's planning laws in more than 25 years. While FAC does not oppose the revised planning process, it believes that no further revisions should occur without first evaluating the impact the 2011 changes have had on the economy, the environment, local and regional infrastructure, and community development. Accordingly, until such an evaluation takes place, **OPPOSE** any further reductions in state planning oversight or other efforts preempting local planning decisions.

Explanation/Update: Only two bills were filed during the 2013 session impacting home rule. Of those, one was signed into law that affects the timing and use of so-called mobility fee systems in lieu of traditional concurrency. While FAC does not anticipate any major legislation for 2014, efforts to limit certain planning and land use decisions are possible.

Expedited State Review: **SUPPORT** changes to the Community Planning Act that would allow small counties to request the "State Coordinated Review Process" be used for the review of complex plan amendments.

Explanation/Update: Under the growth reforms of 2011, two review processes were created for local plan amendments: the Expedited Review Process; and, the State Coordinated Review Process. The more robust State Coordinated Review process is used for Sector Plans, DRIs, EAR amendments, and amendments located in Areas of Critical State Concern. However, in some circumstances complex development proposals requiring plan amendments are submitted to small counties that have no professional planning staff. As such, these proposals often do not receive an appropriate review. This policy proposes a change in law allowing small counties to submit amendments of a certain size under the State Coordinated Review Process.

Concurrency: In the absence of state-mandated transportation concurrency, and to ensure that the roads needed to support new development are concurrent with the impacts of development, **SUPPORT** county home rule authority, and current statutory provisions, which allow counties to retain their current transportation concurrency systems, as adopted by local ordinance.

Explanation/Update: *As a result of the 2011 legislative changes, transportation concurrency is no longer mandated by the state but may be maintained by local option. Currently, only a few local governments have elected to withdraw their concurrency ordinances. During the 2013 session, the House passed a bill (HB 321) that would have prevented counties from applying transportation concurrency for three years (from July 2013 – July 2016). This policy statement is intended to ensure counties can maintain their concurrency management ordinances without interference from the legislature.*

Developments of Regional Impact: **SUPPORT** the purpose and intent of the DRI program, which is to evaluate – and potentially mitigate – the impacts of large scale developments have on communities outside the approving jurisdiction. However, recognizing the high cost of the DRI process, the potential for duplicative reviews, and the lack of mitigation enforcement outside the jurisdiction, **SUPPORT** revisions to the DRI program under the following conditions:

- That a coordinated review by the RPC's be retained for DRI-sized projects to specifically examine extra-jurisdictional impacts;
- That the review process be limited to environmental issues and impacts on the infrastructure, particularly roads; and
- That a mandatory mitigation component be included if it is found that a project will have impacts on the environment or infrastructure outside the host jurisdiction.

Rural Growth: FAC recognizes that rural areas play an important role in our state's economy, environment, agriculture, and cultural history. However, from a planning perspective, these areas have received much less attention than their urban and suburban counterparts. In view of this, **SUPPORT** the following:

- Restoring the full amount of local technical assistance monies (\$3.2 million) to the Department of Economic Opportunity, as originally provided under SB 360 (2005);
- Targeted technical assistance to small counties for specific comprehensive planning functions, including Rural Land Stewardship Area (RLSA) issues; and

REGIONAL PLANNING

Regional Planning Councils (RPCs): SUPPORT full funding of regional planning councils to, at a minimum, cover the costs of statutory responsibilities, and to support enhanced economic development activities. **OPPOSE** legislation prohibiting or restricting the ability of a regional planning council to provide planning and technical service to its local governments.

Explanation/Update: *Historically, the state's 11 RPCs receive approximately \$2.5 million in state general revenue funds. For the past three years, RPCs have not received any state funding.*

NEW AND REVISED ITEMS

Proportionate Fair-Share Mitigation: SUPPORT major revisions to the proportionate share statute to ensure that: (1) the funding formula and its application are clear and unambiguous; (2) local governments can determine if the payment is adequate to satisfy the concurrency management system; (3) each development can be charged its proportionate share of road improvements when the road is deficient or when development causes the road to become deficient; and, (4) development is not charged for existing deficiencies or backlog.

Explanation/Update: *This funding process – which is akin to an impact fee – has undergone numerous legislative changes over the last several years. Problematically, the statute has various interpretations among developers, local governments and state agencies. In short, the statutory language needs to be clarified, with an outcome that creates a balance between the identified transportation needs created by new development and the apportioned construction costs associated with those needs.*

AFFORDABLE HOUSING

Affordable Housing: SUPPORT retaining the full amount of dedicated documentary tax revenues to fund state and local affordable housing programs.

Explanation/Update: *For the last three years, while some affordable housing assistance funds have been appropriated, essentially no housing funds have come from the primary funding source for affordable housing: The State and Local Housing Trust Funds. In fact, in 2011, the Legislature permanently diverted \$75 million per year of the doc stamp revenues to a newly created economic development program. For the current State Fiscal Year, the Legislature swept \$204 million from the State and Local Housing Trust Fund to General Revenue. However, attempted to offset this sweep by appropriating \$100 million from the 2012 National Mortgage Settlement to the SHIP (\$40 Million) and SAIL (\$60 Million) programs.*

CONSENT ITEMS

TRANSPORTATION FUNDING

State Transportation Trust Fund: **OPPOSE** any effort to divert revenues from the state transportation trust fund for non-transportation purposes.

Explanation/Update: *For the past two years, and as a result of an improving state economy, the Legislature has not redirected revenues from the State Transportation Trust Fund (STTF) to the General Revenue fund. In fact, as a result of the Legislature increasing tag and title fees in 2009, the STTF received an additional \$200 million for FY 13/14. A portion of these new revenues are allocated to SCOP (\$10 million); Transportation Disadvantaged (\$10 million); Seaports (\$10 million); Turnpike Connectivity (\$35 million). As for overall transportation funding for FY 13/14, the FDOT Work Program is funded at \$8.4 billion.*

Regional Transportation Finance Entities: **SUPPORT** legislation that authorizes the creation of regional transportation finance authorities, who may be authorized to use tolls, or pledge a portion of the capacity improvement funds from the State Transportation Trust Fund to finance eligible transit or transportation improvement projects.

Explanation/Update: *During the 2013 session, FDOT's legislative package included language allowing the creation of the regional transportation finance authorities (RTFAs). The legislation, which ultimately failed, authorized a county, or two or more contiguous counties, to form a regional transportation finance authority for the purposes of financing, constructing, maintaining, and operating transportation projects in a region of the state, if approved by the Legislature and the county commission of each county that will be part of the authority.*

Rural Transportation Funding: **SUPPORT** state funding for the Small County Road Assistance Program (SCRAP). **SUPPORT** continuing enhanced state funding for the Small County Outreach Program (SCOP).

Explanation/Update: *FAC has seen success in its broad support of these programs before the Legislature. For FY 13/14, both SCRAP and SCOP received significant funding increases. Specifically, SCRAP was funded at \$27.6 million, an increase of \$2 million over last year's appropriation, while SCOP was funded at \$46.2 million, which represents a \$20 million increase from last year.*

Urban Transportation Funding: To help reduce greenhouse gas emissions, promote energy conservation, and lower the number of vehicle miles traveled, FAC **SUPPORTS** a change to the state's transportation funding investment policy by creating a more flexible and balanced allocation of funds between transit and traditional highway capacity improvements.

TRANSPORTATION PLANNING & ADMINISTRATION

Managed Lanes: **SUPPORT** changes to FDOT's "Managed Lanes" designation process to ensure counties have proper notice and are given an adequate comment period relating to any state road corridor that is proposed to include managed lanes. Additionally, revenues derived from managed lane operations that are in excess of the amounts needed to pay debt service, operations, or maintenance directly related to the managed lanes in any given year, shall be returned to the county where such revenues were generated for transit or transportation program expansion, improvement, or enhancement.

Metropolitan Planning Organizations: **OPPOSE** FDOT efforts to require urbanized areas (UZAs) with multiple MPOs to submit one combined project priority list.

Leasing of State Roads: **OPPOSE** the State of Florida leasing any existing state-owned toll road to a private concessionaire without creating a more transparent and inclusive process for FDOT to follow when considering leasing state-owned toll roads.

SUPPORT statutory changes that would:

- Include an early local government notification process;
- Ensure local governments provide comments to the agency prior to it soliciting proposals relating to the leasing of a toll road;
- Authorize the use of any remaining toll revenues from a lease agreement to be returned to the affected counties to provide funding for transportation related activities, including but not limited to, reimbursing counties for fire and emergency rescue services associated with the leased facility; and
- Authorize the use of any upfront revenues (a.k.a., lease payment) and any excess revenues from a lease agreement to include non-SIS facilities and other non-capacity projects, including transit, as identified by the Metropolitan Planning Organization within the county or counties where the lease road is located.

NEW AND REVISED ITEMS

County Transportation Projects: SUPPORT increasing the cost cap (from \$400,00 to \$750,000) for counties to self-perform road improvement projects using the Constitutional Gas Tax proceeds.

Explanation/Update: Sections 336.41(b) and (c), F.S. limit the amount of road construction work a county can perform using its own employees to no more than \$400,000. This policy proposes to increase the limit to \$750,000.

Strategic Intermodal System (SIS): SUPPORT legislation allowing SIS funds to be used on roads and other transportation facilities not designated on the SIS network if the improvement relieves congestion on the SIS.

Explanation/Update: The SIS is a network of high-priority transportation facilities that includes the state's primary highways, rail corridors, airports, freight terminals and seaports. Since the creation of the SIS in 2003, FDOT has re-focused how it allocates its discretionary highway capacity funds by placing a priority on SIS facilities. While there is a local, regional, and statewide benefit to this policy, it does limit the amount of funds available for improving non-SIS facilities. In an effort to maximize the use of SIS funds and address other roadway deficiencies, FAC proposes a change in law that would allow the use of SIS dollars on non-SIS roads that are helping to effectively relieve congestion on the SIS road.

Transportation Improvement Program (TRIP): To help provide needed funding for the Transportation Regional Improvement Program (TRIP), **SUPPORT** redirecting a portion of the remaining 2009 tag and title fee increases (\$200 million) from state general revenue to the State Transportation Trust Fund (STTF)

Explanation/Update: The purpose of the TRIP program is to encourage regional planning by providing state matching funds (up to 50% of total project costs) for improvements to regionally significant transportation facilities. TRIP is funded from a portion of the documentary stamp tax collected on all real estate transactions. When the real estate market is robust, the program is well funded. However, with a downturn in the economy, TRIP has received only marginal funding over the past few years. Additionally, in 2011, the legislature designated that, beginning July 2014, the first \$60 million of TRIP funds be directed the Florida Rail Enterprise.

In an effort to replace some of the funding for TRIP, FAC supports redirecting a portion of the tag and title fee revenues that increased in 2009. That year, Legislature increased fees for vehicle titles and tags, generating an additional \$400 million for transportation purposes. However, the Legislature redirected this money for general revenue. Beginning in 2013, half of the money is scheduled to come back to the state transportation trust fund. FAC supports redirecting the balance for TRIP

CONSENT ITEMS

Agricultural Protections: **SUPPORT** policies and legislation that curb abuse of statutory agricultural protections by real estate speculators and developers, while protecting principles of investment backed expectation.

Rural and Family Lands Protection Act: **SUPPORT** funding the Rural and Family Lands Protection Act to allow for the purchase of rural lands protection easements to prevent the subdivision and conversion of such land into other uses.

Rural Land Stewardship Areas (RLSAs): **SUPPORT** Rural Land Stewardship Areas (RLSAs) to maintain the economic value of rural land in Florida, protect the character of rural areas, ensure the viability of our agricultural economy, and control urban sprawl. **SUPPORT** local match funding for technical assistance and planning needed by local government to implement RLSAs.

Sustainable Agriculture Incentives: **SUPPORT** legislation that encourages and incentivizes sustainable agriculture, and the maximization of local food production.

CONSENT ITEMS

BEACHES AND SHORES

Beach Access: **SUPPORT** the preservation of public access to and along beaches and state water bodies and county regulatory authority.

Beach Renourishment: **SUPPORT** continuation of a dedicated state funding source for beach renourishment at or above statutory levels. **SUPPORT** the protection of sovereign immunity with regard to beach mitigation liability where a county conducts beach renourishment according to federal and state regulatory requirements.

Permitting: **SUPPORT** improvements that reduce the permit review time and costs associated with joint coastal permitting without jeopardizing environmental resources.

SUPPORT streamlined permitting for previously restored beaches and inlet management projects that have already been approved through the joint coastal permitting process.

Working Waterfronts: **SUPPORT** funding sources and statutory provisions to assist local governments with: 1) the acquisition of property or development rights, 2) the preservation of commercial working waterfronts; 3) the improvement of recreational opportunities and public access.

Vessels and Waterways: **SUPPORT** continued state funding of derelict vessel removal.

SUPPORT continued state and local regulation of vessels, mooring fields, bulkheads and seawalls, floating vessel platforms, and seagrasses.

SUPPORT greater county authority to regulate vessels in navigation outside of designated mooring fields.

Explanation/Update: *Per HB 999 (2013), mooring fields authorized by DEP General Permit may not exceed 100 vessels. This is a change from a size limitation of 50,000 square feet. DEP was also given delegated authority from the Board of Trustees of the Internal Improvement Trust Fund to issue leases for mooring fields that meet this requirement.*

LAND USE REGULATION

Billboards: **OPPOSE** legislation that preempts or dilutes local government's ability to establish and maintain local ordinances which regulate billboards and outdoor advertising.

Dangerous Captive Wildlife: **SUPPORT** enhanced interagency coordination between the counties and the Florida Fish and Wildlife Conservation Commission (FWCC) relating to land use regulations regarding dangerous captive wildlife.

SUPPORT the listing of iguanas as a "reptile of concern" or, in the alternative, removing the current Class III permitting exemption.

Mining: **OPPOSE** any reduction in the county government role in siting mines for the production of construction aggregate or other minerals.

OPPOSE any reduction in county authority to regulate local concerns relating to the operation of mines including, but not limited to, hours of operation, noise, traffic and dust.

ENERGY

Incentives: **SUPPORT** incentives for local governments to assist in state energy policies such as green building and carbon emission reductions, and the technical assistance to implement these programs.

Climate Change: **SUPPORT** a comprehensive state climate change action plan, with energy policies and other initiatives to reduce carbon dioxide and other compounds in the atmosphere and address ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic growth and prosperity.

SUPPORT state and federal recognition of adaptation and mitigation as critical to any climate change plan, and the funding necessary to assist local governments in developing and implementing climate change initiatives.

Renewable Energy: **SUPPORT** streamlining the permitting and regulatory processes for solar products and installers.

SUPPORT legislative incentives to encourage net metering and feed-in tariff programs, and the regulatory clarification that net metering should apply to each customer, rather than each meter, so that condominiums and other multi-unit buildings with a single solar system can apply the benefit to multiple users.

SUPPORT a Clean Portfolio Standard (CPS), or alternatively, a Renewable Portfolio Standard (RPS) for the State of Florida.

SUPPORT legislative authorization for solar energy product manufacturers to train contractors and supervise installation without being required to obtain a contracting license.

SUPPORT the repeal of the requirement of Florida Solar Energy Center (FSEC) approval in order to sell solar products in Florida. Alternatively, **SUPPORT** a requirement that FSEC develop nationally-recognized standards for its testing and approval process.

SUPPORT incentives to promote the use of solar power purchase agreements and solar leases. Additionally, **SUPPORT** statutory authorization, if needed, for local governments to create energy financing districts on a voluntary basis.

ENVIRONMENTAL PERMITTING

Delegation: **SUPPORT** increased delegation to local government where resources exist to accept partial or complete delegation of state environmental regulatory programs. **OPPOSE** mandatory delegation as many local environmental programs seek only to fill in the gaps of state and federal regulatory programs.

Permit Streamlining: **SUPPORT** legislation that is thoroughly vetted with all stakeholders, and that takes a targeted approach to increasing regulatory efficiencies, rather than broadly preempting local government authority.

OPPOSE legislation that prevents counties from having local environmental programs that are more stringent than state or federal regulatory programs.

SUPPORT legislation that authorizes the Department of Environmental Protection (DEP) and water management districts to develop a general permit for local government restoration and enhancement projects, particularly as these activities pertain to implementation of the Total Maximum Daily Load (TMDL) program.

Explanation/Update: *In 2013, HB 999 addressed of issues such as: electronic submissions; RAIs on development applications (with the exception of building permits); sovereign land leases for marinas, boatyards and marine retailers; preemption on water well permitting, water allocations with planned desalination plants; exemptions for man-made farm ponds (under 15 acres and 15 feet deep) and unauthorized flooding from an adjacent property; revised air source permit fees; recovered materials and dealers; and interstate natural gas pipelines. Expect to see another comprehensive permit streamlining bill during the 2014 session.*

PUBLIC LANDS

Land Acquisition: **SUPPORT** the continuation of the Florida Forever land acquisition program and a dedicated state funding source, which provides local match funding for acquisition or preservation of conservation lands.

SUPPORT legislation that would require land acquisition projects to be ranked and prioritized according to their consistency with the local comprehensive plan.

Explanation/Update: *In the 2013 budget, \$20 million was allocated for land acquisition with the proviso that an additional \$50 million would be funded by the sale of state-owned lands no longer needed for conservation purposes. The DEP has been charged with identifying those lands with limited conservation value, which will then be sold in order to purchase land with greater value — for instance, land that is protective of springs, water quality, water quantity and land that can be used as a military buffer zone.*

The Trust for Public Land and the DEP have brought together a technical advisory group to guide the process, and a list of approximately 170 parcels totaling 5,330 acres has been presented. These lands are scattered across 67 state forests, parks and other management units.

In the meantime, an advocacy group known as Florida's Water and Land Legacy has proposed an initiative to amend the state Constitution to require 33 percent of all net revenues derived from the documentary stamp tax to be dedicated to the Land Acquisition Trust Fund for the next 20 years. According to the group's website, they have collected approximately 150,000 signatures of the 683,149 needed to get the amendment on the November 2014 ballot.

Conservation Lands: **SUPPORT** legislation that provides future state funding for the management and maintenance of conservation lands transferred to county control.

SUPPORT improved management of state conservation lands and increased public access to those lands.

Sovereign Submerged Lands: **SUPPORT** the current case law definition of the "ordinary high water mark" which delineates state lands from private lands. **OPPOSE** any changes having the effect of transferring large quantities of wetlands and uplands from state ownership to private ownership.

Explanation/Update: *In both the 2012 and 2013 Legislative Sessions, bills were introduced which would have revised the current definition and interpretation of the Ordinary High Water Mark (OHWM). The 2012 proposal would have changed the OHWM definition to the "highest reach of a navigable, non-tidal water body as it usually exists when in its ordinary condition and is not the highest reach of such water body during the high water season or in times of freshets."*

The 2013 proposal would have redefined the "mean annual flood line" for delineating ERP limits to require calculating the arithmetic mean of the maximum yearly discharges for the most recent 10-year period of record. Although the language in both proposals died in committee, one can expect a similar effort this year.

SOLID WASTE

Solid Waste Funding: **SUPPORT** reinstating state funding of Solid Waste Management Grants. **SUPPORT** maintaining the waste tire fee as a dedicated revenue source for funding mosquito control programs and waste tire recycling.

Solid Waste Regulation: **OPPOSE** any diminution of county authority to franchise and otherwise regulate construction and demolition debris (C&D) haulers, recyclers, or disposal facilities.

Recycling: **SUPPORT** legislation that provides appropriate resources and incentives to local governments to achieve statewide recycling goals. **SUPPORT** a recycling credit for all recycled materials including municipal biomass and other waste-to-energy processes.

OPPOSE legislation that imposes fees or taxes on local governments for collecting waste, which is an essential governmental service. Any recycling plan promulgated by the state must consider market and state-wide economic conditions.

SUPPORT removing the exemption in s.403.7046(3), F.S., so that local government may require commercial establishments to convey source-separated recovered materials to the local government or to a facility designated by the local government for recycling.

Explanation/Update: *A late amendment to the permit streamlining bill HB 999 (2013), provides that a local government may not use information provided by a recovered materials dealer in its registration application to compete unfairly with the dealer until 90 days after receipt of the application. The law now also provides that a recovered materials dealer (or association) may initiate an action for injunctive relief or damages for alleged violations of § 403.7046.*

DOMESTIC WASTE

Central Sewer Systems: SUPPORT the authority of county government to require mandatory connection to central sewer systems as they become available.

Septage: SUPPORT local government authority to regulate the land application of septage waste within its jurisdictional boundaries, given the differences in technical, environmental and economic feasibilities present within each jurisdiction.

SUPPORT the repeal of the statutory ban on the land application of septage set to commence in 2016.

WATER RESOURCES

Water Funding: SUPPORT legislation that enhances regional and local financial capacity to address water supply development and the flexibility of all available funding sources.

SUPPORT the funding of the Water Protection and Sustainability Program within the Department of Environmental Protection for the development of alternative water supplies, water quality improvement projects, and comprehensive water infrastructure needs.

SUPPORT sustained commitment of state resources for regional systems of statewide importance, such as rivers, springs and the Everglades. **SUPPORT** renewed funding for alternative water supply projects, conservation, and the TMDL program.

Water Supply: OPPOSE any shift of the water supply allocation process from publicly regulated to a market driven process. **SUPPORT** the fundamental principles of Florida water law which:

- Requires demonstration that a proposed use of water is a reasonable-beneficial use, will not interfere with an existing legal use of water, and is consistent with the public interest to protect water and related natural resources.
- Establishes a right of use, not a right of ownership.
- Provides for "local sources first" – that is, a county in which water is withdrawn shall not be deprived directly or indirectly of the prior right to reasonable and beneficial use of water to supply the needs of its natural systems, property owners, or inhabitants.

OPPOSE any state-wide water commission or "water czar" which would redefine the water supply relationship among the state, water management districts, and local governments.

SUPPORT the enhancement of local government participation in the water management district planning, permitting and regulatory processes, including proposed reservations, minimum flows and levels, and recovery and prevention strategies.

SUPPORT removal of the current sales tax exemption on bottled water.

Explanation/Update: *Bills were passed in the 2013 Legislative Session that:*

- *Authorizes utility companies, private landowners, water consumers, and the Department of Agriculture and Consumer Services (DACS) to enter into cooperation agreements with cities, counties, water management districts and the DEP to meet water supply needs.*
- *Adds DACS to those entities participating in regional water supply planning pursuant to §373.709. (HB 948)*
- *Increases permit duration to 30 years for alternative water supply projects, with an additional 7 years possible if bonds are issued to finance the project. (HB 364)*
- *Includes in water management districts' annual submittal to DEP proposed reservations and a list of water bodies that have the potential to be affected by withdrawals in an adjacent district for which an MFL might be appropriate.*
- *Provides that water management districts shall apply any reservation, MFL or recovery or prevention strategy adopted by DEP by rule without the district's separate adoption by rule. (SB 244)*

Water Quality: **SUPPORT** the DEP's Numeric Nutrient Criteria Rule as a replacement for the federally promulgated numeric nutrient criteria, as it provides the necessary protection to the state's waterbodies without imposing unnecessary costs to county governments. **SUPPORT** the DEP's petition to the EPA to rescind their January 2009 determination to promulgate federal numeric nutrient criteria only in Florida.

SUPPORT measures to preserve county authority to address water quality problems and the flexibility to craft solutions at the local level.

Explanation/Update: *Last Session, the Legislature passed SB 1808, which essentially is the State numeric nutrient criteria. The bill also authorized implementation in accordance with the DEP guidance document entitled "Implementation of Florida's Numeric Nutrient Standards."*

The Legislature also passed HB 7157, which ratified TMDLs for St. Marks River Basin, Pensacola Bay Basin, Indian River Lagoon, Hillsborough River Basin, Springs Coast Basin and the statewide TMDL for mercury-impaired water bodies; and SB 1806, which provides that future TMDLs will not be subject to the legislative ratification under §120.541(3).

Fertilizer: **SUPPORT** the authority of county government to regulate the use and application of fertilizer to protect water quality.

SUPPORT the “Florida Green Industries Best Management Practices” as a basic level of water quality protection, with more stringent protection authorized to address water bodies in need.

SUPPORT legislation that would allow counties to develop regional approaches to nutrients, fertilizer, and other water quality issues that take into account particular local concerns relating to geology and hydrology.

Utilities: **SUPPORT** legislation that encourages and supports “goal-based water conservation initiatives through permit incentives and the use of conservation best management practices developed by the utility industry.

SUPPORT legislation that recognizes the responsibility and authority of local government utilities to establish rates and rate structures to allow for flexibility in the provision of services and the sustainable funding of operations.

NEW AND REVISED STATEMENTS

Conservation Lands: **SUPPORT** the authority of county government to purchase and sell conservation lands in accordance with local needs and financial capacity.

Indian River Lagoon & Lake Okeechobee Basin: **SUPPORT** state funding for the construction of additional water storage and water quality treatment facilities within the Lake Okeechobee, Caloosahatchee, St. Lucie and Indian River Lagoon watersheds.

SUPPORT state funding for domestic wastewater infrastructure that would reduce nutrient loading from septic tanks within the Lake Okeechobee Basin.

Utility Liens: **SUPPORT** legislation to amend Section 159.17, Florida Statutes, to authorize counties – as well as municipalities – that issue revenue bonds to place liens on properties served by any water, sewer or gas systems for service charges until paid, which liens shall be prior to and on parity with state, county and municipal tax liens.

Stormwater Fees: **SUPPORT** legislation to amend Section 403.0893, Florida Statutes, to provide authorization for stormwater utilities to charge and collect user fees from all beneficiaries of the stormwater utility system.

Springs Protection: **SUPPORT** state funding for nutrient load reduction programs within Florida’s springsheds. **SUPPORT** state funding for projects that will improve water quantity and water quality within Florida’s springsheds.