




OFFICE OF THE COUNTY ADMINISTRATOR

M E M O R A N D U M

TO: Members of the Pinellas County Legislative Delegation
Members of the Pinellas County Board of County Commissioners

DISTRIBUTION: Robert S. LaSala, County Administrator
James L. Bennett, County Attorney

FROM: Carl Harness, Assistant County Administrator 

SUBJECT: Joint Legislative Work Session - February 26, 2013

DATE: February 18, 2013

This memo is to follow up on the invitation you received from County Commission Chair Kenneth Welch to participate in a Joint Work Session between the Pinellas County Legislative Delegation and the Board of County Commissioners on Tuesday, February 26 from 9:00 to 11:00 am.

The meeting will be held at the Pinellas County Courthouse, 315 Court Street, Clearwater in the Clerk's Conference Room on the fourth floor. Attached please find a map that shows the Courthouse (indicated as a red square marked #8) and available parking (indicated with a red arrow). To reach the parking lot, please take Court Street, turn left just past the courthouse on Oak Avenue, take the first right into the parking lot and then proceed to the back right area of the lot. You may park in any of the spaces with a red bag over the meter. Please note there are *ten spaces with red bags reserved for the Pinellas County Legislative Delegation*. If you bring additional staff, there are metered spaces available in the same parking lot.

Attached please find an agenda for the meeting and a copy of the 2013 Pinellas County State Legislative Program that was adopted at the February 12th meeting of the Board of County Commissioners. The state legislative process is dynamic and evolutionary; therefore, other issues may occur over the course of the session. We consider the program document to be a foundation that can be modified as the Board deems appropriate. The Board's positions on issues that are not priorities are determined by existing county policy and by assessment of the potential impacts of a proposal.

If you have any questions or cannot attend the meeting, please contact me at (727) 464-3724 or charness@pinellascounty.org.

Attachments: Parking Map
Joint Work Session Agenda
2013 Legislative Agenda
Pinellas County Domestic Partnership Registry

**Joint Work Session of the
Pinellas County Board of County Commissioners
and Pinellas County Legislative Delegation**

Tuesday, February 26, 2013
9:00 to 11:00 am

Pinellas County Courthouse
315 Court Street, Clearwater, Florida 33756
Fourth Floor Clerk's Conference Room

AGENDA

Greetings/Introductions: Kenneth T. Welch, Chair, Board of County Commissioners
Jack Latvala, Chair, Pinellas County Legislative Delegation

- I. **Review 2013 Legislative Agenda**
- II. **Background Checks**
Clarify the minimum criteria for background checks (which only requires checks for felonies). Discuss means to enhance background checks by requiring checks on individual history for other violations and arrests.
- III. **Statewide Domestic Partnership Registry**
- IV. **Open Discussion**




2013 STATE LEGISLATIVE PROGRAM

Adopted February 12, 2013


PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS 2013 STATE LEGISLATIVE PROGRAM

UNFUNDED MANDATES


-  Oppose state unfunded mandates that negatively impact local government budgets and control which also compromises Pinellas County's ability to provide other needed services to the community. These mandates are usually imposed without discussion or consensus from the local governments on the impacts that they will have on available resources or methods of implementation.

ITEMS OF GENERAL CONCERN

Beach Nourishment

-  Support legislation that maintains a state funding source for beach restoration projects throughout Florida.

Delinquent Real Property Taxes, Tax Certificates, and Delinquent Tangible Personal Property Taxes



-  Support legislation that lowers the interest rate on delinquent real property taxes and certificates, and delinquent tangible personal property taxes.

Background: Rep. Ahern's proposed House Bill 421 has been filed to lower the interest rate on delinquent real property tax certificates from 18% to 12%. The intention of this legislation is to provide relief to Florida families by helping those who are trying to make tax payments. By lowering the interest rate by 6%, this becomes a more affordable possibility for the families who most need the tax break.



If the intent of the Legislators is to provide relief to delinquent taxpayers, the Tax Collector also suggested the following statutes be reviewed and modified accordingly.

- Change the rate to prime + 12% or whatever the Legislature deems appropriate.
- Amend 197.542, F.S., *Sale at Public Auction*
- Amend 197.172(3) F.S., *Interest rate; calculation and minimum*
- Amend 197.402(2) and (3) F.S. accordingly


Department of Health Reorganization

-  Support continued funding for the Pinellas County Health Departments, thus maintaining their ability to provide primary care and direct patient care services within our community.
-  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.
-  The Board supports the need for greater collaboration and incentives to benefit youth and reduce detention cost waste. The Board opposes new cost obligations to the county.


Designer Drugs/Synthetics

 Support additional legislation and rule making that clearly addresses this evolving problem for effective regulation, consistent enforcement, and proactive, rapid elimination of emerging products.


Background: Rep. Ingram & Sen. Bradley introduced bills (HB 619/SB 294) to expand the controlled substances schedule to include 22 new formulas of synthetic drugs.

 The Board is committed to addressing the ongoing and emerging trends of designer drugs and their impacts within our community.


Fertilizer Ordinance

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

Florida Association of Counties


 Support the policy statements of the Florida Association of Counties' 2013 Legislative Program which are not contrary to the policies of Pinellas County.

Florida Retirement System (FRS)


 Oppose any benefit change that results in an increase in the county's FRS contribution rate.

Background: On March 6, 2012, a Leon County Circuit Court Judge ruled in favor of a challenge brought forth by a group of state, county and school board employees. The Court found that the FRS reform law violated several constitutional provisions. The state immediately appealed the ruling. On January 17, 2013, the Florida Supreme Court upheld the law requiring public employees to contribute 3 percent of their pay to the state's pension plan.


Gas Tax Indexing


 Support legislation authorizing counties to index the local option gas taxes to annual changes in the Consumer Price Index (CPI).

Infrastructure Sales Tax (Penny for Pinellas)


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

Inmate Medical Expenses

 Support legislation that reduces expenses to the county or that limits county or municipal medical costs of an in-custody pretrial detainee or sentenced inmate to 110 percent of the Medicare allowable rate.


 In addition, the Board supports any administrative rule changes that would allow for inpatient medical services provided to Medicaid eligible inmates to be billed to Medicaid.

Jail Impacts



 Oppose actions by the state to adjust detention responsibilities and maintain greater numbers of sentenced inmates in local jails.

Background: The Department of Corrections has proposed an amendment to F. S. 944.17(3)(a) that would require only persons with one year or more left on their sentences (at time of sentencing) are to be sent to prison. Such a change would increase jail populations and shift financial responsibility for these inmates from the state to the counties.



Local Business Tax

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



Medicaid Billing

-  Support the revision of the current county-state Medicaid billing system in exchange for requiring the state to develop a new equitable billing process in consultation with the counties.
-  Support the continuation of the advance refund request process which is scheduled to expire in April 2013. This would affect the county's ability to review their bills prior to submitting payment.


Prescription Drugs

-  Support additional legislation and rule making that provides for the appropriate prescribing practices, prescription use, and proper accountability in prescribing drugs.
-  The Board opposes any state action that seeks to preempt local regulatory options to curb the ongoing prescription problem and to protect our community. The Board is committed to addressing the continuing social and medical problems of prescription abuse and treatment within our community.

Pretrial Release


-  Oppose legislation that would restrict or eliminate local control over coordinated, highly effective local pretrial services that might increase the local jail population and therefore increase the County's expenses.
-  Specifically, the Board opposes legislation that restricts pretrial services to only indigent clients.

Southwest Florida Water Management District (SWFWMD) Representation



-  Oppose any legislation that reduces Pinellas County representation on the SWFWMD Governing Board.

Background: Currently, Pinellas County has two representatives plus one representative that is shared by Pinellas and Hillsborough Counties. Proposed House Bill 147 and Senate Bill 412 would reduce the number of representatives on the District's Governing Board from 13 to 9, including reducing Pinellas County representatives from 2.5 (two full-time and one shared) to 1 representative.


Title V Funding for Local Air Quality Program

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

Water Quality / Numeric Nutrient Criteria

-  Support science-based numeric nutrient criteria for Florida's waters.
-  Oppose any new rule promulgated by the EPA or DEP that imposes unnecessary costs to county governments.

Workers Compensation Claim Medication

 Oppose legislation that allows an authorized physician to dispense and fill prescriptions for workers compensation claims.

Background: House Bill 483 has been filed which would allow physicians to dispense and fill prescriptions. The issue is that physicians are subject to less regulation than pharmacies and can charge higher rates for medications, such as by creating a new National Drug Code or using an inflated average wholesale price. In addition, by not having an injured worker fill their prescriptions at one pharmacy the potential for misuse exists.

ORDINANCE NO. 13 - 01

AN ORDINANCE OF THE COUNTY OF PINELLAS; ADDING ARTICLE III OF CHAPTER 70 OF THE PINELLAS COUNTY CODE; CREATING SECTIONS 70-236 THROUGH 70-243; PROVIDING TITLE TO BE NAMED "DOMESTIC PARTNERSHIP REGISTRY"; PROVIDING FOR DEFINITION OF TERMS USED IN THE ORDINANCE; PROVIDING FOR REGISTRATION OF DOMESTIC PARTNERSHIPS; PROVIDING FOR TERMINATION OF DOMESTIC PARTNERSHIPS; PROVIDING FOR MAINTENANCE OF RECORDS; PROVIDING FOR FILING FEES; PROVIDING FOR LEGAL EFFECT OF DOMESTIC PARTNERSHIP; PROVIDING FOR ENFORCEMENT; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW FOR THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES.

WHEREAS, the Pinellas County Board of County Commissioners finds that County residents establish and maintain important personal, emotional, and economic relationships with persons to whom they are not married under Florida law; and

WHEREAS, individuals forming such domestic partnerships often live in a committed relationships as domestic partners; and

WHEREAS, providing the opportunity for such partnerships to register will provide public acknowledgment of their relationship status within the County; and

WHEREAS, consistent with Florida Public Records Law, Section 119.01 et. seq. Florida Statutes, all records received pursuant to this ordinance shall be maintained as public documents unless otherwise exempted by law; and

WHEREAS, this Ordinance shall not be construed to supersede any federal or state law or regulation, nor shall this Ordinance be interpreted in a manner as to bring it into conflict with federal or state law; and

WHEREAS, nothing in this Ordinance shall be construed as recognizing or treating a domestic partnership as a marriage.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY THAT:

Section 1. Article III of Chapter 70 of the Pinellas County Code is created to read as follows:

ARTICLE III. DOMESTIC PARTNERSHIP REGISTRATION

Section 2. Article III of Chapter 70 of the Pinellas County Code is created to read as follows:

Section 70-236. Definitions:

(a) *Affidavit of Domestic Partnership* means a sworn form, under penalty of perjury, that is created by the Board of County Commissioners, which certifies that two (2) domestic partners meet the registration requirements as described in Section 70-237.

(b) *Affidavit of Termination of Domestic Partnership* means a sworn form, under penalty of perjury, which certifies that two (2) domestic partners have terminated the domestic partnership and all rights and duties included therein as described in this Article.

(c) *Clerk* means the Clerk of the Circuit Court, Pinellas County, Florida.

(d) *Dependent* is a person who resides within the household of a Registered Domestic Partnership and is:

(1) A biological, adopted, or foster child of a Registered Domestic Partner; or

(2) A dependent as defined under IRS regulations; or

(3) A ward of a Registered Domestic Partner as determined in a guardianship or other legal proceeding; or

(4) A person supported in whole or in part by their partner's earnings and relies on such support.

(e) *Certificate of Domestic Partnership* means the certificate received from the Clerk after registration as Domestic Partners under this Article.

(f) *Domestic Partnership Registry* means a public record maintained by the Clerk which includes those persons who have met the domestic partnership requirements set forth in this Article and have registered with the Clerk.

(g) *Health care facility* includes, but is not limited to, hospitals, nursing homes, hospice care facilities, convalescent facilities, walk-in clinics, doctor's offices, mental health care facilities, and any other short-term or long-term health care facilities located within Pinellas County.

(h) *Jointly responsible* means each domestic partner mutually agrees to provide for the other partner's basic needs while the domestic partnership is in effect, except that partners need not contribute equally or jointly to said basic needs such as food and shelter.

(i) *Mutual residence* means a residence shared by the Registered Domestic Partners; it is not necessary that the legal right to possess the place of residence be in both names. Registered Domestic Partners do not cease to share a mutual residence if one leaves the shared place but intends to return.

(j) *Registered Domestic Partners* means two (2) adults who are parties to a domestic partnership and who meet the requisites for a domestic partnership as established pursuant to the registration requirements of this Article and who have registered as a domestic partnership under this Article.

Section 3. Article III of Chapter 70 of the Pinellas County Code is created to read as follows:

Section 70-237. Registration of Domestic Partnerships

(a) A domestic partnership may be registered by any two (2) persons by filing an Affidavit of Domestic Partnership with the Clerk which Affidavit shall comply with all requirements set forth in this Article for establishing such domestic partnership.

(b) Upon payment of any required fees, the Clerk shall file the Affidavit of Domestic Partnership electronically and issue a Certificate of Domestic Partnership reflecting the registration of the domestic partnership in the County.

(c) The Clerk shall maintain a Domestic Partnership Registry which shall be an online searchable database of the domestic partnerships which have been registered with the County.

(d) A notarized Affidavit of Domestic Partnership, on such form as created by the County, shall be presented to the Clerk by both partners, physically present, who shall provide proof of identification; and shall contain the name and address of each domestic partner, the signature of each partner, the signatures of two (2) witnesses, and each partner shall swear or affirm under penalty of perjury that:

- (1) Each person is at least eighteen (18) years old and competent to contract;
- (2) Neither person is currently married under Florida law or is a partner in a domestic partnership or a member of civil union with anyone other than the co-applicant;
- (3) Neither person is related by blood as defined in Florida law;
- (4) Each person considers themselves to be a member of the immediate family of the other partner and to be jointly responsible for maintaining and supporting the Registered Domestic Partnership;
- (5) The partners reside together in a mutual residence;
- (6) Each person expressly declares their desire and intent to designate their Registered Domestic Partner as their healthcare surrogate and as their agent to direct the disposition of their body after death.

(7) Each person agrees to be jointly responsible for each other's basic food and shelter.

(8) Each person agrees to immediately notify the Clerk, in writing, if the terms of the Registered Domestic Partnership are no longer applicable or one of the domestic partners wishes to terminate the domestic partnership; and

(e) Any partner to a domestic partnership may file an amendment with the Clerk to the Domestic Partnership Registry, on the form created by the County, to reflect a change in their legal name or address. Amendments shall be signed by both members of the Registered Domestic Partnership under oath and must be accompanied by the applicable fee as determined by the Clerk.

Section 4. Article III of Chapter 70 of the Pinellas County Code is created to read as follows:

Section 70-238. Termination of Registered Domestic Partnership

(a) Either partner to a Registered Domestic Partnership may terminate such registration by filing, in person, a notarized Affidavit of Termination of Domestic Partnership with the Clerk which shall become effective on the date of filing.

(b) The Clerk shall file the Affidavit of Termination and update the online registry to remove the domestic partnership.

(c) A Registered Domestic Partnership will terminate by operation of law upon occurrence of the following events:

- (1) One of the domestic partners marries in Florida;
- (2) One of the domestic partners dies; or
- (3) One of the domestic partners registers with another partner.

(d) The marrying, surviving, or re-registering Domestic Partner(s) shall file an Affidavit with the Clerk terminating the domestic partnership within ten (10) days of one of the occurrences listed in (c) above.

(e) The surviving domestic partner, pursuant to subsection (c)(2) of this section, shall retain funeral and burial decision rights as provided for in Section 70-240(c).

Section 5. Article III of Chapter 70 of the Pinellas County Code is created to read as follows:

Section 70-239. Maintenance of Records; Filing Fees

(a) The County shall prepare the form of all affidavits, amendments, and certificates required to be filed under this Article. The Clerk shall maintain electronic copies. Domestic

Partnerships which have properly registered, and have not been terminated, will appear on the online registry. Records regarding a terminated registration can be requested from the Clerk.

(b) The Clerk shall establish fees for the filing of any affidavits, amendments, the issuance of any certificates required by this Article, or for the provision of copies of documents subject to the approval by the Board of County Commissioners. Any fees established under this section shall be reasonable and commensurate with the actual costs of administering the provisions of this Article. A discount in the amount of the difference between the cost of municipal registration for domestic partnership and that of the County registration for domestic partnership shall be provided to those persons who are registered in a municipality located in Pinellas County prior to the date of enactment of this Article.

(c) The Clerk is authorized and directed to take all actions necessary to implement the provisions of this section within ninety (90) days after this Article is enacted.

Section 6. Article III of Chapter 70 of the Pinellas County Code is created to read as follows:

Section 70-240. Legal Effect of Registered Domestic Partnership

To the extent not superseded by federal, state, or other city law or ordinance, or contrary to rights conferred by contract or separate legal instrument, Registered Domestic Partners shall have the following rights:

(a) Health Care Facility Visitation. All health care facilities operating within the County shall honor the Registered Domestic Partnership documentation issued pursuant to this Article as evidence of the partnership and shall allow a Registered Domestic Partner or dependant visitation rights as provided for under 42 CFR 482 and 485.

(b) Health Care Decisions. Registry as a domestic partner shall be considered to be written direction by each partner designating the other to make health care decisions for their incapacitated partner, and shall authorize each partner to act as the other's healthcare surrogate as provided for in Chapter 765, Florida Statutes. No person designated as a health care surrogate shall be denied or otherwise defeated in serving as a health care surrogate based solely upon their status as the Domestic Partner of the partner on whose behalf health care decisions are to be made. Any statutory form, including, but not limited to, a living will or health care surrogate designation in forms provided for in Chapter 765, Florida Statutes, that is properly executed after the date of registration which contain conflicting designations shall control over the designations made pursuant to domestic partnership registration in Pinellas County.

(c) Funeral/Burial Decisions. Registry as a domestic partner shall be considered to be written direction by the decedent of their intention to have their domestic partner direct the disposition of the decedent's body for funeral and burial purposes as provided in Chapter 497, Florida Statutes, unless, prior to death, the decedent creates written authorization and direction

providing conflicting terms of disposition. Where such conflict exists, the later dated document shall control.

(d) Notification of Family Members. In any situation providing for mandatory or permissible notification of family members, including, but not limited to, notification of family members in an emergency, "notification of family members" shall include Registered Domestic Partners.

(e) Pre-need Guardian Designation. A person who is a party to a Registered Domestic Partnership, pursuant to this Article, shall have the same right as any other individual to be designated as a pre-need guardian pursuant to Chapter 744, Florida Statutes, and to serve in such capacity in the event of their domestic partner's incapacity. A domestic partner shall not be denied or otherwise be defeated in serving as the plenary guardian of their domestic partner or the partner's property under the provisions of Chapter 744, Florida Statutes, to the extent that the incapacitated partner has not executed a valid pre-need guardian designation, based solely upon their status as the domestic partner of the incapacitated partner.

(f) Participation in Education. To the extent allowed by federal and state law, and subject to the policies of the School Board of Pinellas County, Florida, as amended from time to time, as well as any applicable court orders, agreements, or contracts, a domestic partner of a domestic partnership registered in this County shall have the same rights as the parent partner to participate in the education of a dependent of the Registered Domestic Partnership in the County. Any right to participate in the education of a dependent of the Registered Domestic Partnership shall be exercised consistently with applicable policies and procedures of the School Board of Pinellas County, Florida.

Section 7. Article III of Chapter 70 of the Pinellas County Code is created to read as follows:

Section 70-241 Limited Effect

(a) Nothing in this Article shall be interpreted to alter, affect, or contravene city, county, state, or federal law or to impair any court order or contractual agreement.

(b) Nothing in this Article shall be construed as recognizing or treating a Registered Domestic Partnership as a marriage.

Section 8. Article III of Chapter 70 of the Pinellas County Code is created to read as follows:

Section 70-242. Enforcement; Legal Remedy; and Limitation of Liability

(a) A Registered Domestic Partner may enforce rights provided for under this Article by filing a private judicial action in the Sixth Judicial Circuit Court for declaratory relief, injunctive relief, or both, or for any other available legal remedy;

(b) The Clerk acts in a purely ministerial capacity and has no authority or responsibility for the resolution of disputes arising from the domestic partnership registry. Any

disputes as to registration or legal effect under this Article shall be filed with the Sixth Judicial Circuit Court.

(c) The Clerk shall not be liable for any act taken within the scope of its authority provided pursuant to this Article.

Section 9. Article III of Chapter 70 of the Pinellas County Code is created to read as follows:

Section 70-243. Reciprocity

All rights, privileges and benefits extended to Registered Domestic Partnerships as provided for in this Article shall also be extended to all persons who can provide proof of their registration as domestic partners in any other jurisdiction. In the event of a conflict between this Article and the domestic partnership laws of another jurisdiction, the provisions of this Article shall prevail.

Section 10. Severability

In the event that any court having jurisdiction over any case arising under this Article determines that any subsection or other provision of this Article is invalid for any reason, the remaining subsections or other provisions shall continue to be in full force and effect, and towards that end the Board of County Commissioners declares this Article and its subsections and other provisions to be severable.

Section 11. Effective Date

Pursuant to Section 125.66(2), Florida Statutes, a certified copy of this Ordinance shall be filed with the Clerk of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

Section 12. Areas Embraced

This Ordinance shall be effective in the incorporated and unincorporated area of the County.

Section 13. Codification

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code; and that the sections of this Ordinance may be renumbered or re-lettered, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.