

JOINT SESSION
BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY LEGISLATIVE DELEGATION
October 25, 2011

The Board of County Commissioners (BCC) and the Pinellas County Legislative Delegation met in joint session in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 12:08 P.M. on this date with the following members present:

BOARD OF COUNTY COMMISSIONERS

Susan Latvala, Chairman
John Morroni, Vice-Chairman
Nancy Bostock
Neil Brickfield
Norm Roche
Karen Williams Seel
Kenneth T. Welch

PINELLAS COUNTY LEGISLATIVE DELEGATION

Representative James C. "Jim" Frishe, Chairman
Senator Jack Latvala, Vice-Chairman
Representative Larry Ahern
Representative Jeff Brandes
Representative Ed Hooper
Representative Rick Kriseman

NOT PRESENT

Representative Richard Corcoran
Senator Mike Fasano
Senator Dennis L. Jones
Senator Arthenia Joyner
Representative Peter Nehr
Representative Darryl Rouson

Also Present: James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; other interested individuals; and Michael P. Schmidt, Board Reporter, Deputy Clerk.

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AGENDA

Greetings and Introductions Susan Latvala, Chairman, Board of County Commissioners
Jim Frishe, Chairman, Legislative Delegation

Item 1: County Update

State Legislative Program:

Item 2: Priority Local Bills

- Emergency Medical Services
(Senator Latvala/Representative Nehr)
- Metropolitan Planning Organization (MPO)/Pinellas Planning Council (PPC) Merger
(Senator Latvala/Representative Frishe/Representative Hooper)

Item 3: Priority Items

- Unfunded Mandates
- Funding Request for Beach Nourishment
- Tourist Development Tax/Sales Tax (Dot.com)
- Prescription Drug Monitoring

Item 4: Items of General Concern

Item 5: Items to Monitor

Other Business

Adjourn

GREETINGS AND INTRODUCTIONS

Chairman Latvala welcomed those present to the joint meeting of the BCC and the Pinellas County Legislative Delegation.

COUNTY UPDATE

Assistant County Administrator Carl S. Harness conducted a presentation titled *Factors Impacting General Fund Revenue*, a copy of which has been filed and made a part of the record, and discussed unfunded mandates and their impact on the County budget, property tax and other major revenues, and cost-saving ideas and initiatives the Board has taken, indicating the following:

- Local governments have had to absorb the triple impacts of legislative action, the recession, and the correction in the real estate market.
- Pinellas County suffered property tax revenue losses of \$35 million in Fiscal Year 2009 and \$45 million in Fiscal Year 2010. Other revenues such as sales taxes, permit fees, and document fees have dramatically decreased.

- Property taxes comprise two-thirds of General Fund revenues and have continually decreased over the past several years, resulting in a \$151 million, or 35 percent, reduction since the peak of Fiscal Year 2007.
- Since Fiscal Year 2007, 979 full-time positions have been eliminated under BCC departments, representing a 35 percent workforce reduction and the lowest position count since Fiscal Year 1985.
- Over the last five years, Pinellas County has eliminated or reduced dozens of programs and services, reorganized and restructured many functions and departments, and aggressively pursued cost-saving ideas and initiatives.

Following the presentation, Chairman Latvala thanked the Constitutional Officers for working with the BCC in an effort to reduce their budgets during these challenging economic times.

During discussion and in response to comments and queries by Senator Latvala, Office of Management and Budget Director John E. Woodruff acknowledged that the seven-percent property tax rollback rate mandate that occurred in 2007 was a one-time action and not a continuing requirement; whereupon, he presented information regarding the property tax cap, and related that tax receipts are down at a rate not seen in any other state due to unfunded mandates by the Legislature coming on top of declining property values and the market correction.

STATE LEGISLATIVE PROGRAM

PRIORITY LOCAL BILLS:

MPO/PPC Merger

Mr. Harness presented background information regarding the proposed MPO/PPC merger, indicating that it would repeal the Special Acts relating to the District, reorganize the current Council, and set forth the purpose for the new Council.

At the request of Commissioner Seel, Managing Assistant County Attorney Jewel White discussed the efforts of the Joint Land Use and Transportation Committee and the Legislative Delegation to get the bill passed last year, and advised that technical changes have been made to the bill to recognize state department name changes and changes to statutory and rule references since the last Legislative Session; whereupon, she related that the “whereas”

clauses were put back in the bill to recognize the legislative history that went into the drafting of the bill at the local level.

During discussion and in response to comments and queries by Senator Latvala, Attorney White, with input by Commissioner Seel and Representative Frishe, indicated that the Census information used in the amendments has been updated; that the MPO Reapportionment Plan is complete; that a job description has been drafted for the Joint MPO/PPC Executive Director; and that providing a history through the whereas clauses is worthwhile; whereupon, Senator Latvala expressed his regrets that the bill did not pass last year, and suggested that an alternative general bill be drafted and ready for presentation in the event that the proposed bill does not pass this year, and Chairman Latvala and Commissioner Seel agreed.

Emergency Medical Services (EMS)

Mr. Harness related that a BCC workshop was held earlier in the day regarding the EMS issue; and that options are being reviewed and analyzed in an effort to find ways of keeping the service sustainable. Senator Latvala indicated that even though the two local sponsors of the EMS bill have not made a commitment of support, they are sponsoring the bill in order for the Delegation to have an opportunity to review and discuss the overall situation due to the importance of the issue; whereupon, in response to queries by the Senator, Chairman Latvala indicated that everything regarding the plan had been voted on by the BCC, which had expressed its support for the bill by a majority vote. Later, and in response to query by Representative Ahern, Commissioner Welch and Chairman Latvala clarified that the Board had not voted on the Plan as a package or as a solution.

Responding to queries by Commissioner Welch, Senator Latvala opined that the Delegation would not be making a decision this Thursday regarding EMS because the members do not yet have a sufficient understanding of the very complicated issue.

Senator Latvala proposed that subsequent to the planned joint meeting between the BCC and the St. Petersburg City Council, the Delegation and the BCC meet again to discuss specific issues dealing with EMS Transport Services and suggested meeting the week after Thanksgiving; and Chairman Latvala agreed to the meeting, noting that Pinellas County needs the support of the Senator and the Delegation, and no objections were noted.

PRIORITY ITEMS:

Unfunded Mandates

Mr. Harness indicated that Pinellas County Government opposes unfunded state mandates that negatively impact local government budgets and control.

Funding Request for Beach Nourishment

Mr. Harness indicated that Pinellas County wants to secure \$5.63 million in funding from the Florida Department of Environmental Protection (FDEP) for the Honeymoon Island Beach Erosion Control project; whereupon, he provided background information regarding the request, and indicated that the County will be the local sponsor for the project; that the project is currently in permitting; that construction is proposed to begin during late 2012; and that hopefully the project will be ranked high on the FDEP priority project list.

Tourist Development Tax/Sales Tax (Dot.com)

Tax Collector Diane Nelson indicated that online travel companies (OTCs) are violating Florida law; and that those companies were almost successful this year with a bill that would have provided them with an exemption from remitting taxes required by law. She indicated that OTCs, which are losing court cases throughout the nation, will be back next year with attempts to convince the Florida Legislature to pass an exemption; that they claim that current laws do not apply to their business model, and that if forced to comply, the result will be a new tax on services, which is false and misleading; whereupon, Mrs. Nelson requested that each of the Delegation members vote “no” on any legislation that provides an exemption for online travel companies.

Mrs. Nelson indicated that Florida does not need new legislation on the issue; that Florida Senate Interim Report 2005-131 stated that OTCs were violating the law; that the law has not changed since 2005; that the Department of Revenue (DOR) is looking to the Legislature for guidance on how to proceed; and that she would urge the Delegation members to encourage the DOR to enforce the law that already exists; whereupon, Mrs. Nelson presented a handbook, a copy of which has been filed and made a part of the record, and discussed key points related to the issue.

During discussion and in response to queries by Representative Brandes, Mrs. Nelson related that Pinellas County and approximately 20 others have engaged the services of a law firm regarding the OTC issue; and that some other counties are moving forward on their

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own; whereupon, she indicated that online travel companies utilize delay and stall tactics to their advantage and have an unfair advantage over local motels, and Senator Latvala and Representative Hooper provided input.

Thereupon, Chairman Latvala discussed the work the Tourist Development Council does to promote tourism in Pinellas County; and reminded the Delegation that as state and federal funding continues to decline, tourist development taxes will become increasingly important to pay for projects such as beach nourishment.

Prescription Drug Monitoring

Mr. Harness indicated that the increase of prescription drug abuse in Central Florida has reached a critical level; and that because the BCC is committed to addressing the continuing social and medical problems of prescription drug abuse and treatment, it supports additional legislation or rulemaking to help curb the diversion, improper dispensing, and abuse of prescription pain medication.

Justice and Consumer Services Director Tim L. Burns presented general and statistical information regarding the growing problem of prescription drug abuse in Pinellas County, including information concerning deaths from prescription drug overdoses, the 600 percent increase of drug-addicted newborns since 2005, and the costs of sheltering juveniles who have drug-addicted parents; whereupon, he reported that drug-related deaths have now surpassed traffic fatalities across the nation; that Florida has become a pipeline for out-of-state individuals who wish to acquire fraudulent prescriptions and to illegally obtain medications such as Oxycodone; that those illicit activities are attracting the attention of local and national news organizations; and that making a concentrated effort to monitor pain clinics and prevent illegal prescriptions from getting onto the street would go a long way toward reducing the problem.

Senator Latvala recognized and expressed appreciation to Sheriff Jim Coats, noting that he would be retiring at the end of the following week; and Chairman Latvala related that under the leadership of Sheriff Coats, Pinellas County has an outstanding task force working on the drug monitoring issue; and that stronger laws are needed in Florida to assist law enforcement; whereupon, in response to query by Representative Frishe as to what the BCC specifically is requesting, she recommended that the prescription drug monitoring program be made mandatory.

Later in the meeting, Public Defender Bob Dillinger presented additional information regarding the prescription drug epidemic, relating that as the flow of drugs is reduced, addicted individuals will require treatment services; that while treatment is expensive,

not treating those individuals is even more expensive; and that jail is not the most appropriate place for drug addicts to receive treatment; whereupon, Chairman Latvala indicated that while treatment is the best intervention, large cuts have been made at both the federal and state level, and discussion ensued.

State Attorney Bernie McCabe agreed that the use of the prescription drug monitoring database needs to be mandatory; and Mr. Burns related that while the reporting time for pharmacies has decreased to seven days, physicians are still not required to use the database; whereupon, he presented information regarding how a local pharmacy was shut down by the federal government, and discussion ensued regarding reporting requirements, writing of prescriptions, fake identification, and other issues and loopholes.

ITEMS OF GENERAL CONCERN:

Affordable Housing

Mr. Harness asked that the Legislative Delegation oppose any adjustments that would reduce funding levels for affordable housing.

Department of Juvenile Justice (DJJ) Billing

Mr. Harness related that staff would continue communicating with Secretary Wansley Walters to resolve DJJ billing issues; and stated to the Legislative Delegation that the formula currently used in calculating state billing is detrimental to counties.

Environmental Permitting

Mr. Harness asked the Delegation to support a population threshold adjustment up to one million in population to encompass the County regarding wetlands and surface water permitting.

Florida Retirement System (FRS)

Mr. Harness reported that the County is interested in the pending lawsuit by state employees regarding the Florida Retirement System; whereupon, Representative Hooper related that a bill will be filed this session that would return the Special Risk Group to the retirement age of 55, noting that it is an unfunded liability.

In response to queries by Chairman Latvala and Senator Latvala, Representative Hooper presented information regarding the rumored effort of Governor Rick Scott to take the three percent employee contribution from the counties and put it in the state's budget, relating

that he did not think that the Governor could accomplish that legislatively; and in response to query by Senator Latvala as to whether the County had used the money for salary increases for the employees, Commissioner Roche related that \$1.4 million of the three percent savings was used by the County to offset increases in healthcare costs to the employees; and that the remaining funds were placed in the Stabilization Fund.

Growth Management

Mr. Harness related that the County would track legislation pertaining to Florida's Growth Management Act in order to protect local government home rule authority.

Juvenile Detention

Mr. Harness stated that the County opposes any legislation affecting juvenile detention which would negatively affect the ability of Pinellas County to control detainee costs for juveniles.

Pre-Trial Release

Mr. Harness indicated that the County opposes legislation that would restrict or eliminate local control over coordinated local pre-trial services that could increase the local jail population and increase expenses.

ITEMS TO MONITOR:

Department of Economic Opportunity

Mr. Harness related that the County would monitor any legislation pertaining to the Department of Economic Opportunity.

East Lake/Lealman Annexation

Mr. Harness reported that a House sponsor was needed regarding the legislation.

Florida Department of Transportation (FDOT) Toll Booth

Responding to queries by the members, Mr. Harness, with input by Director of Transportation and Stormwater Peter J. Yauch, provided information pertaining to the subject location, relating that, if necessary, the BCC would seek local delegation assistance in an effort to utilize the existing FDOT toll plaza for parking fee collection at Fort De Soto; whereupon,

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Senator Latvala related that a bill was unnecessary; and requested that the County contact him directly regarding its plans.

Fertilizer Ordinance

Mr. Harness related that the County opposes any legislation preempting local fertilizer ordinances.

Fire and EMS

Mr. Harness indicated that the BCC may seek the assistance of the Legislative Delegation for the opportunity to investigate, develop, and implement changes to the various Fire and EMS Special Acts that would increase efficiencies countywide and save taxpayer money.

Handgun Control

Mr. Harness reported that Pinellas County opposes preemption of local ordinances.

Medicaid Reform

Mr. Harness indicated that the County would continue to monitor issues relating to Medicaid Reform.

Medical Expenses for Inmates

Sheriff Coats' requested that "Medical Expenses for Inmates" be placed on the Priority Items list, and no objections were noted.

Transportation Investment

Mr. Harness indicated that future items would be monitored that could affect Pinellas County's transportation initiatives, including new committees which have been created and appropriation of transportation monies from the state.

During discussion Senator Latvala, with input by Representative Frishe, related that there would likely be a proposal from the Governor changing the way road priorities are established in an effort to encourage MPOs in metropolitan areas to merge; and that the Governor would like to see MPOs in counties such as Hillsborough, Pasco, and Pinellas become one. Senator Latvala reported that the state cannot require MPOs to merge because the money

comes from the federal government, which has its own requirements; and that there is discussion regarding Expressway Authorities being controlled from Tallahassee, or through the use of a regional model, to make it a more regional body; whereupon, he indicated that between the bus systems, Metropolitan Planning Organizations, and Expressway Authorities, he would expect merger consolidation conversations to take place during the upcoming session, including the potential for doing away with the Regional Planning Council, and Chairman Latvala and Commissioner Seel provided input.

Water Quality/Numeric Nutrient Criteria

Mr. Harness presented information regarding the Water Quality and Numeric Nutrient Criteria, and related that the United States Environmental Protection Agency does not always take into account some of the unique conditions in Florida and in Pinellas County; and that his office would continue to monitor the situation.

Red Light Cameras

During discussion and in response to queries by Clerk of the Circuit Court Ken Burke, Representative Hooper indicated that, in his opinion, decisions regarding whether to have red light cameras should be made at the County level; whereupon, Senator Latvala remarked that red light cameras reduce fatalities and do not increase accidents; and related that he would not anticipate the repeal of red light cameras passing anytime soon due to the enormous amount of revenue they generate for local governments, but that issues regarding the timing of yellow lights and right-turn-on-red issues would need to be addressed, and Representative Brandes provided input.

Thereupon, Mr. Burke suggested that as part of the clean-up bill, provisions be made which would allow the recipient of a speeding violation to pay the original \$158.00 fine upon receipt of the notice, and cited the issue of tourists not receiving violations in a timely manner from their rental car companies until the fine has increased to \$264.00. Mr. Burke related that it has been reported to him that some cities are not accepting fine payments between 30 to 60 days from when a violation is issued; that he is seeking proof of those allegations; and that municipalities should be required to accept those payments and not wait for the violation to become a Uniform Traffic Citation; whereupon, Representative Brandes and Senator Latvala requested that Mr. Burke forward them the requisite language.

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Strip Mall Casinos

Mr. McCabe presented information regarding the issue of strip mall casinos, relating that there would be competing legislation concerning the issue; and that he and Sheriff Coats consider strip mall casinos to be illegal gambling.

OTHER BUSINESS

No one appeared in response to the Chairman's call for citizens wishing to be heard.

Representative Hooper related that Senators Fasano and Jones would no longer be serving on the Legislative Delegation due to term limits; and that he wanted to thank them for their hard work and leadership over the years.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:34 P.M.