

CITY OF FORT MYERS
2013 LEGISLATIVE AGENDA

The following 2013 legislative agenda issues were discussed and adopted by the City Council of the City of Fort Myers on January 7, 2013. The legislative agenda is prepared to communicate a Fort Myers platform on issues to be considered by the 2013 Florida Legislature. The legislative agenda is provided to the Local Legislative Delegation, Florida League of Cities, and the City lobbyist, J. Keith Arnold of Fowler, White, and Boggs P.A., to assist in representing the interests of Fort Myers in State governance.

The local legislative delegation for Lee County consists of the following members: Senator Lizbeth Benacquisto (District 30), Senator Garrett Richter (District 23), Representative Matt Caldwell (District 79), Representative Dan Eagle (District 77), Representative Heather Fitzenhagen (District 78), and Representative Raymond Rodrigues (District 76). The local legislative delegation was reduced as a result of redistricting by the State in 2012 by two (2) seats; one Senator and one Representative. The reduction was from eight (8) members to six (6) members with district area in Lee County.

Energy and Environmental Quality

- Support Legislation that Provides for Local Government Collection of Stormwater Fees from Public School Systems. Support the introduction of legislation that provides for the ability of municipalities to enforce payment by School Districts refusing to pay storm water utility bills of municipalities.
- Oil and Gas Exploration. Oppose legislation authorizing exploration and drilling for oil and gas within Florida's territorial waters if the legislation fails to ensure scientific evidence of no impact to the travel-tourism industry for any drilling within 25 miles of the shoreline, limits or preempts municipal input and authority, or fails to properly apportion revenues derived from any gas or oil exploration in an equitable manner between cities and counties.
- Support the Restoration of Funding to the Florida Recreation Development Assistance Program. Supports the restoration of funding by the State to the Florida Recreation Assistance Program (FRDAP) to clear the current backlog of granted projects and provide sufficient additional matching grant funds to provide for the development of parks and recreation facilities to provide for the expected quality of life and sense of place provided by municipalities.

- Support the Development of a Comprehensive Policy for Sustainable Energy Development and Conservation. Supports the development of legislation that establishes a comprehensive statewide policy on sustainable energy development and conservation which incentivizes the development and implementation of renewable and alternative energy sources. In addition, the City supports legislation that authorizes the use of the \$192 million in Qualified Energy Conservation Bonds allocated to the State for local government efficiency projects.

Finance, Taxation, and Personnel

- Ensure the Continuation of State Funding for Pensions. Support the continuation of funding by the State through the appropriation of Chapter 175 and Chapter 185 funds for use in all pension programs including defined benefit programs, defined contribution programs, and fire and police participation in the Florida Retirement System.
- Support the Use of State Funds to Support Sustainable Police and Fire Pension Programs. Support efforts to enable State Chapter 175 and Chapter 185 funds to be used to support current benefits of police and fire pension programs. The City supports responsible police and firefighter defined benefit pension and disability presumption reforms to ensure sound, secure, and stable pensions will exist for current and future police and firefighters.
- Oppose Unfunded Mandates. Support legislation that strengthens the prohibition on unfunded mandates, improves identification and quantification procedures, eliminates loopholes, and requires full funding of new State mandates to the City. Action will be taken by the City's lobbyist as directed by the City to oppose bills filed that create unfunded mandates. Efforts on this issue will be coordinated with the Florida League of Cities.
- Support Preservation and Expansion of Local Government Revenues and Oppose Legislation that Seeks to Cap Revenues or Limit Local Governance of Fiscal Policies. Oppose legislation such as the TABOR amendment that seeks to cap revenues of state and local governments. The City will oppose bills filed that attack home rule and cap local revenues to include efforts that reduce or eliminate municipal taxing authority for property taxes, communication service taxes, and business taxes. Efforts on this issue will be coordinated with the Florida League of Cities.
- Support the Introduction of Legislation extending the Authority to Cities to Establish and Receive Revenues from a Bed Tax. Support the development and introduction of legislation extending the authority of Fort Myers to implement a Bed Tax. The Florida Constitution currently prohibits a

municipality from implementing any tax that is not authorized by State Statute. Statute currently permits Counties to levy a Bed Tax for the use of travel and tourism activities. The proposed language would extend the existing authority granted to counties to municipalities.

- Support Legislation that Simplifies the Internet Sales and Use Tax: Supports legislation that simplifies Florida's internet sales and use tax system and quantifies the state for participation in the Sales and Use Tax Agreement, thereby making it easier for out-of-state businesses to voluntarily collect and remit taxes to Florida.
- Support Legislation to Increase Municipal Representation on County Value Adjustment Boards: Supports legislation that modifies the membership of each county's value adjustment board to provide for rotating municipal representation starting with the municipality that has the highest assessed value in the county. Provide municipal representation in appeal hearings regarding exemptions, classifications, property assessments, tax deferrals, and homestead portability.

Growth Management and Economic Development

- Support Legislation that Promotes Growth and Redevelopment in Urban Areas. Supports legislation that promotes quality urban development, especially new statutory regulatory incentives for projects that involve infill development, job creation, and economic development. The issue will be coordinated with the Florida League of Cities and the Florida Redevelopment Association.
- Support the Funding of the Florida Brownfield Program and Tax Credits. Supports the funding by the State of the Florida Brownfield Program Voluntary Cleanup Tax credit to clear the current backlog and to provide sufficient additional tax credit funding to encourage the redevelopment of blighted urban areas.
- Support Re-introduction of Legislation to Create Super Enterprise Zones and Seek the Inclusion of Fort Myers in the Pilot Designation. Super Enterprise Zones are designated areas of existing enterprise zones with higher rates of unemployment and poverty. The designation would spur job creation and economic development through enhanced State tax incentives beyond those of existing enterprise zones. Enhanced incentives in SB 414 provide an exemption to certified businesses from paying for tangible personal property, sales, and use tax on purchases for their exclusive use within the zone. Items sold from within the zone priced less than \$1,000 are exempt from sales and use tax.

- Support the Limited Use of Eminent Domain for Economic Development. Support the introduction of legislation that provides for the limited use of eminent domain by municipal governments and redevelopment agencies for the assembly of land in blighted areas for redevelopment purposes.
- Support the Restoration of Funding for the State Housing Initiatives Partnership (SHIP). Supports the funding by the State of the State Housing Initiatives Partnership (SHIP) from the Sadowski Trust Fund. The City uses SHIP funding to alleviate the backlog of residential rehabilitation projects for the elderly, disabled, and low-income persons.

Transportation and Intergovernmental Relations

- Support an Amendment to Require Cable Service Providers to Provide Municipal Facilities Institutional Networks in Exchange for the Use of Municipal Rights-of-Way. Amend Chapter 610 of the State Statutes to provide for the no cost provision of institutional networks access leases to municipalities that provide public rights-of-way access to cable service providers. The amendment protects the tax payer from paying for private company profits for network cable leases to municipalities when the private companies are receiving the public rights-of-way access from the municipalities at no cost.
- Support Legislation that Preserves Local control of Transportation Planning and Provides Additional Revenue Options to Fund Transportation: Supports legislation that preserves local control of transportation planning and provides opportunities for additional revenue options to fund municipal transportation infrastructure projects.
- Support the Local Option Gas Tax for Urban Transportation Needs. Supports the authorization of cities to levy, by referendum, up to 2 cents of the existing 5-cent local option gas tax authorized by Statute to provide for local transportation needs and "Complete Streets" programs.
- Supports Legislation that Maintains Municipal Authority to Regulate Outdoor Advertising: Supports legislation that maintains home rule authority of municipalities to more strictly regulate outdoor advertising using the 1985 Florida legislative enhancement of the Federal Highway Beautification Act as the baseline standard for regulating off premises outdoor advertising.
- Support the 2013 Legislative Agenda of the Florida League of Cities. In adopting the 2013 Legislative Agenda for the City of Fort Myers, City Council includes the legislative efforts and platform of the Florida League of Cities as consistent with the efforts of the City.

Urban Administration

- Support a Joint Resolution for a Constitutional Amendment to allow the Forfeiture of Real Property to Abate Criminal Nuisances on Homestead Properties. Supports the adoption of a Joint Resolution for a Constitutional Amendment to Article X, Section 4 of the State Constitution to support law enforcement efforts to abate criminal nuisance properties by providing an exception to homestead protection to allow property forfeiture when a clear nexus exists between the property and criminal activity.
- Support the Protection of Local Ordinances that Regulate Loud Music. Supports the amendment of enabling Statute, §316.3045, for the operation of radios or other mechanical sound making devices or instruments in vehicles to change wording that was deemed by the Florida Supreme Court to be overly vague and “a content-based restriction on free speech which violates the First Amendment”. Amending the Statute to address the Court concern protects the continued enforcement of municipal noise ordinances that are based on the Statute.
- Support a Legislative Amendment to Increase the Requirements for Charter Amendments of the Electors of a Municipality. Seeks the amendment of State Statute 166.031 to increase the requirements for citizen petitions initiatives to amend municipal Charters to protect Charters from frivolous initiatives and reduce the financial burden on the taxpayers when such referendums are placed on the ballot.
- Support Digital Photograph Requirements for Pawn Brokers and Second Hand Dealers. Support the Florida Police Chiefs Association in the effort to amend F.S. 538 and 539 to mandate pawn brokers and second hand dealers to obtain a digital photograph of the person pawning or selling items and to develop a statewide pawn data base.
- Support Legislation to Restrict Distracted Driving (Texting while Driving). Support legislation to eliminate or restrict the use of wireless communication devices while operating a motor vehicle in an effort to improve roadway safety, reduce vehicle crashes, and crash related injuries. Bills have been filed during the past several legislative sessions but have died in committee.
- Support Legislation that Enhances the Continued Incarceration or Supervision of Violent Felony Offenders. Support legislation supported by the Florida Parole Commission that enhances the continued incarceration or supervision of violent felony offenders. The City opposes legislation that

provides for the early release of inmates or reduces the current requirement for inmates to serve a minimum of 85% of their sentence.

- Support the Increase of Funding for the Prevention and Treatment of Substance Abuse and Mental Health Services. Support the increase of per capita funding by the State for substance abuse prevention and mental health treatment services using an equitable statewide formula. Increased efforts for drug abuse prevention and mental health treatment will improve the health of the citizens of the State and reduce the costs for public services that result from the failure to adequately fund mental health services.
- Support the Definition and Establishment of Regulatory Standards for Sober Homes: Support legislation that defines and establishes minimum regulatory standards for sober home facilities and allows for more stringent local regulations of these facilities.
- Support Legislation and Enforcement of the Ban to Manufacture, Possess, Distribute, or Use Synthetic Drugs: Supports legislation, the efforts of the Attorney General, and law enforcement to ban the manufacture, possession, distribution, purchase, or sale of synthetic drugs, including without limitation, herbal incense, bath salts, synthetic marijuana and/or any cannabinoids and encourages additional funding for substance abuse education.