

STATE LEGISLATIVE AGENDA



2013 LEGISLATIVE AGENDA

INTRODUCTION

This document represents the Board's state legislative program for the 2013 Session. While these priorities are intended to guide the County's advocacy efforts in Tallahassee, the list is not exhaustive and issues may arise or evolve that will require Board attention.

The most critical issues are not ranked in order of priority. Commissioners, staff and contract lobbyists will pursue all of the legislative policies approved by the Board and place appropriate priority on the issues given the opportunities that arise during the legislative process. As usual, items of emphasis will include maintaining the County's home rule authority and opposing cost shifts or unfunded mandates.

The state legislative session will begin on March 5, 2013, and is scheduled to conclude on May 3rd. Given the state's current fiscal challenges it will be important for the lobbying team to monitor budgetary and programmatic decisions made by the Legislature to determine local impacts.

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LEE COUNTY BOARD OF COUNTY COMMISSIONERS



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2013 LEGISLATIVE AGENDA

SUMMARY OF LEGISLATIVE PRIORITIES

1. **Fertilizer – OPPOSE** efforts to preempt local regulation of the sale or use of fertilizers. The County's fertilizer ordinance was crafted to deal with water quality issues by taking into account specific concerns relating to local geology and hydrology.
2. **Bob Janes Triage Center – ADVOCATE** for full funding of the Department of Children and Families' request of \$250,000 for a grant to serve an estimated 500 adults with shelter based services. These services enhance public safety and reduce criminal justice expenditures.
3. **Tourist Development Council – ADVOCATE** changing the composition of membership to provide that: 1) one municipal representative be from the municipality that generated the highest revenues from the tourist development tax in the most recent fiscal year; and 2) the other municipal representative serve a two-year term that rotates among the County's other municipalities.
4. **Medicaid Cost Share – ADVOCATE** for legislation that absolves counties of all financial responsibilities related to the provision of Medicaid services and eliminates the associated administrative burdens for the counties and the state. **SUPPORT** modifying the current Medicaid billing system to develop a reliable and equitable process if the current contributory relationship cannot be dissolved.
5. **Juvenile Justice – SUPPORT** the state taking full responsibility for funding and operating detention facilities (both pre-disposition and post-disposition days) and implementing juvenile justice reform.
6. **Shift of Prisoners – OPPOSE** the state housing inmates with less than a year on their sentence at the time of sentencing in jails instead of prisons. Such a shift would cost the County an estimated \$2 million per year in variable operating costs alone.
7. **FAC Priorities – SUPPORT** the Florida Association of Counties' 2013 Legislative Program unless a specific policy statement conflicts with Lee County's interests (see attached policy statements).
8. **Home Rule – SUPPORT** the preservation of local home rule and **OPPOSE** efforts to preempt local authority.
9. **Unfunded Mandates – OPPOSE** any legislation, policies or regulations that would impose unfunded responsibilities upon the County.



LEGISLATIVE ISSUES SUBMITTED BY COUNTY DEPARTMENTS

Beach Management

Ensure that Florida's Department of Environmental Protection delivers a beach erosion control program that maintains visibility of both the benefits and need for healthy beaches. Provide dedicated funding at appropriate levels for statewide beach management.

Communications Services Tax

Revise the CST in such a way that stabilizes the currently diminishing local government share of revenues by addressing technological changes that are eroding collections; simplifies the administrative burden of collecting the tax; and preserves the County's unused capacity (i.e., ability to levy the maximum allowable local rate) in order to diversify the revenue base.

Economic Development

Support Florida's Economic Development TOOL KIT including: (a) Competitively funding the TOOL KIT via the SEED Fund, which will allow greater flexibility in spending to support programs related to job creation; (b) Removal of the Qualified Target Industry Tax Refund Program (QTI) per company award cap; (c) Support changing the Innovation Incentive Fund approval process to match the Quick Action Closing Fund process; and (d) support reducing the 5% increase in productivity requirement to qualify for sales tax exemptions on manufacturing machinery and equipment.

Support creation of a \$700 million Florida Infrastructure Fund as an innovative way to fund infrastructure projects and increase private capital investment in Florida. The Fund would raise \$700 million of investment capital from private capital sources to fund the program, to go along with \$700 million in future contingent tax credits used only as a guarantee to the principal investment. Contingent tax credit programs are statutory state guarantees established to incentivize capital investment without immediately affecting state revenues.

Increase funding for the Quick Response Training Program (QRT) and Incumbent Worker Training Program (IWT).

Support creating a recurring funding source for Spring Training facilities improvements and update to professional sports team license tag statutes.

A little used refund is available for sales taxes paid on the purchase of certain business property that is used exclusively in an Enterprise Zone for at least three years. Reduce the business property and equipment threshold of \$5,000 to a lower amount such as \$500 so more small businesses can use the incentive.

Human Services

Allocate \$5 million in state general revenue for funding of: 1) \$2,426,240 for the state's 28 local homeless coalitions and Florida Coalition for the Homeless; 2) \$2,013,354 Challenge Grant to implement projects in support of the local Continuum of Care plan; and 3) \$560,406 to fund the Florida Office on Homelessness and Council on Homelessness.

Preserve substance abuse and mental health treatment funding (Florida currently ranks 50th in per capita publicly funded mental health care and 35th in per capita publicly financed substance abuse care).

Library Funding

Restore State Aid to Public Libraries funding to the \$33,400,000 level appropriated in 2000-2001.

Support continuation of the Department of State's Division of Library and Information Services, and its programs in their current form, as the agency goes through the Sunset Review process.

Public Records Exemptions

Specifically exempt the personal information of Animal Control and Pollution Prevention Officers from public record disclosure under Section 119.071, Florida Statutes.

Allow public records exemption for certain Animal Adoption Records so as to protect the identity of people adopting abandoned animals.

Transit Funding and Safety

Increase funds deposited into the State Transportation Trust Fund (STTF) and return money to the STTF that has been previously diverted. Oppose measures that would divert funding from the STTF for non-transportation purposes.

Maintain funding for the Transportation Disadvantaged program and support the continuation of the Coordinated System within Chapter 427, F.S.

Support indexing of Local Option Motor Fuel taxes in a manner similar to the current indexing of the State Motor Fuel Tax.

Support legislation that restricts the use of texting by motorists while driving. Alternatively, support legislation that prohibits employees who are operating a transit agency vehicle from texting.



Finance, Transportation & Administration Policy Committee *2012-13 Policy Statements*

Finance Section

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FINANCE AND TAX POLICY

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.

BUDGET AND FINANCE ADMINISTRATION

Fees for Property Assessment Petitions: **SUPPORT** legislation that increases the \$15 fee for petitions filed with a County Value Adjustment Board to an amount that more adequately reflects the cost of administering the petition process or repeal statute dictating the fee which would allow counties to set their own fees.

Transparency Florida: **Support** legislation that would allow counties to voluntarily develop standards to comply with 2009 Transparency Florida Act.

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

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 2013-2014 budget. **SUPPORT** maintenance of existing appropriations currently funded in support of fiscally constrained counties.

FINANCE AND TAX POLICY

Tourist Development Tax (TDT) / Sales Tax: **SUPPORT** legislation that would provide for the comprehensive review of the structure, application, and administration of the current tourist development tax model and related revenues utilized in Florida. **OPPOSE** legislation that would exempt a portion of online transient rental transactions based on the “merchant model” or similar models from TDTs.

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

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

BUDGET AND FINANCE ADMINISTRATION

Driver’s License Issuance Fee: **SUPPORT** legislation that would provide an equitable share of State DMV driver’s license fees with Counties that provide drivers licenses services via the County Tax Collector.

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.

Public Private Partnerships: **SUPPORT** legislation that would offer counties additional efficient and effective methods of providing critical public infrastructure through the use of public-private partnerships for the construction and operation of such facilities that include, but are not limited to transportation projects, water and wastewater projects, and other similar necessary public infrastructure needs.

Regional Transportation Funding: **SUPPORT** legislation that authorizes regional transportation finance authorities to pledge a portion of the capacity improvement funds historically allocated to the respective transportation district from the State Transportation Trust Fund to finance eligible transit or transportation improvements over 30 years. **SUPPORT** allowing all counties that are members of an MPO or TPO to levy the Charter County and Regional Transportation Surtax by voter referendum.

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).

Transit Grants: **SUPPORT** allowing funds appropriated to a regional transportation authority to be extended over a term of years.

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

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 Trust Fund Flexibility: **SUPPORT** expanding the use of state transportation dollars to certain non-state roads that provide alternative access and reduce congestion on state roads.

Strategic Intermodal System (SIS): **OPPOSE** redirecting any state program funds to the SIS that currently benefits county transportation needs.

State Transportation Funding Policy: In view of the Florida Department of Transportation's (FDOTs) current transportation funding policy, which redirects capacity dollars from non-SIS roads to SIS roads, FAC **SUPPORTS** legislation that:

- Ensures the state's Other Arterial Capacity Program is not impacted by FDOT's SIS funding policies;
- Establishes a statutory funding cap preventing FDOT from allocating more than 65% of any "new discretionary highway capacity funds" to the SIS;
- Targets additional discretionary general revenue funds for the purpose of restoring transportation projects that have been delayed or eliminated as a result of increased project costs;

- Allows SIS-designated funds to be used for improvements to non-SIS facilities, including local roads, that provide alternative access and relieve SIS roads; and
- Increases funding for all transit projects.

Transportation/Economic Stimulus:

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: FAC OPPOSES FDOT efforts to require urbanized areas (UZAs) with multiple MPOs to submit one combined project priority list.

Roadway Maintenance: SUPPORT amending s.336.045, Florida Statutes, to include an additional paragraph expressly authorizing Florida counties to determine the reasonable level and frequency of local road maintenance.

Leasing of State Roads: FAC OPPOSES 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. **FAC SUPPORTS** 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.
 - **FAC OPPOSES** the State of Florida's leasing of the Alligator Alley Toll Facility to a private concessionaire as contemplated by FDOT's Request for Qualifications.

Transportation Regional Improvement Program (TRIP): SUPPORT redirecting the 2009 Motor Vehicle License Fee, Title Fee, and Initial Registration Fee surcharges from the General Revenue Fund to the State Transportation Trust Fund.

Charter County Transportation System Surtax: **SUPPORT** good faith discussions on allowing cities to levy the transportation surtax, provided that any expansion of the surtax would be subject to approval by the governing board of the county, in accordance with conditions stipulated by the county.

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** a carve out for the coordinated Transportation Disadvantaged (TD) system to avoid fragmentation, inefficient operation, and costly duplication of TD services.

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

Elections: **SUPPORT** expanding the types of facilities for early voting and restoring hours on weekends to 8 hours per day at the discretion of the supervisor of elections. **SUPPORT** full state funding of all expenditures by supervisors of elections to comply with the requirements of the federal Help America Vote Act.

Eminent Domain: **SUPPORT** legislation related to eminent domain clarifying that the taking of multiple parcels related to the same project can be approved through a single resolution.

Libraries: **SUPPORT** measures that ensure decisions and policies regarding county libraries are made at the local level. **OPPOSE** legislation that allows individuals to bring civil causes of action against counties relating to internet filtering devices and/or policies. **SUPPORT** full funding of State Aid to Libraries based on the current statutory formula that provides counties 25 cents for every local dollar spent. As an interim step in accomplishing full funding, **SUPPORT** a \$10 million increase in state aid to public libraries. **SUPPORT** full funding of Public Library Construction Grant requests at \$12.4 million.

Medical Examiner Offices: **SUPPORT** the ability of county run medical examiner offices to collect reasonable fees for services provided as outlined in Chapter 406, F.S.

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.

Lease of County Property: **SUPPORT** establishing an expedited process for short term leases of county property.

Space Industry & Technology: **SUPPORT** the state's investment and continued financial commitment in Florida's role as a leader in space based research development and technology enhancements.

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.

Internet Cafes: FAC SUPPORTS basic statewide oversight and regulation of so-called Sweepstakes Gambling facilities and Internet Cafes, including ensuring the reliability of the computer terminals used in such games, while allowing counties to allow or deny the operation of such businesses within their jurisdiction.

Public Record and Open Meeting Exemptions for Economic

Development: FAC SUPPORTS 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. However information would be released before final decision is made.

Marketable Title of Property: SUPPORT legislation to clarify that local government covenants and property interests are preserved and do not expire after 30 years under the Marketable Records Titles to Real Property Act, Chapter 712, Florida Statutes.

Conveyance of Deeds: SUPPORT provisions that requires local governments to approve the acceptance of any conveyance or real estate by any entity, private or otherwise, to the local government and such acceptance be a part of the conveyance recorded in the public records of the county. The lack of such acceptance by the local government would nullify the conveyance (s. 695.01(2)).



Health & Human Services Policy Committee *2012-13 Policy Statements*

Health Care Section

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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.

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.

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.

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.

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.

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** a carve out for 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.

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.

County Health Departments (CHDs): **SUPPORT** maintaining state general revenue funding for CHDs, and **OPPOSE** any state reductions to the County Health Department Trust Funds. **SUPPORT** efforts to enable CHDs to transition to managed care under the Statewide Medicaid Managed Care Program without impacting service capacity. **SUPPORT** reinstating the exemption from rate control for county health departments. **SUPPORT** maintaining a coordinated system of county health departments (CHDs) that is centrally housed within the Department of Health (DOH). **OPPOSE** efforts to decentralize the public health system by transferring authority over CHDs from the DOH to the respective county governments. **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. **OPPOSE** efforts, legislative or otherwise, to limit or eliminate the provision of primary care services in CHDs.

Homelessness: **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. **SUPPORT** restoring state funding for programs that serve the homeless.

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** a carve out for the coordinated Transportation Disadvantaged (TD) system to avoid fragmentation, inefficient operation, and costly duplication of TD services.

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.

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.

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.

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.



**Public Safety
Policy Committee**
2012-13 Policy Statements

Public Safety Section

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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.

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.

Funding for Court Related Programs: SUPPORT the continuation and enhancement of the \$2.00 recording fee to be distributed to counties for use in funding the court-related technology needs of the state attorneys, public defenders, and state trial courts. **SUPPORT** the capping of the counties' funding responsibilities for these technology needs to the amount of revenue that is generated by the recording fee. **OPPOSE** policy that requires counties to be responsible for court-related technology needs beyond that of the state attorneys, the public defenders, and state trial courts.

Local Ordinance Violation Caps: SUPPORT legislation that raises the cap on county ordinance violations in s. 125.69, F.S., to \$1,000.

Criminal Conflict and Civil Regional Counsels: SUPPORT the elimination of the provisions that require counties to fund any aspect of the Criminal Conflict and Civil Regional Counsels. **OPPOSE** any attempts to restore the Office of Criminal Conflict and Civil Regional Counsels or any additional pass down of costs relating to these counsels.

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. In addition, **SUPPORT** a local option surcharge up to \$3 on all traffic-related violations to provide continued funding for traffic hearing officer programs around the state. **SUPPORT** legislation that would dedicate \$2 from state revenue generated off red light traffic infractions to fund traffic hearing officer Programs dedicated to hearing cases resulting from red light camera violations.

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.

Inmates with Medicaid Eligibility: **SUPPORT** administrative rule changes that would allow for inpatient medical services provided to Medicaid eligible inmates to be billed to Medicaid.

Competency Exams: **SUPPORT** legislation that would amend s.916.115 (1)(a), F.S. to include Licensed Mental Health Counselors, Licensed Clinical Social Workers, and, Licensed Marriage and Family Counselors among the experts eligible to perform exams to determine whether a defendant is competent to stand trial.

Enforcement of Immigration Laws: **SUPPORT** full federal reimbursement to counties for all costs related to detaining, and transporting undocumented immigrants. **SUPPORT** federal training dollars for county law enforcement officers who wish to enforce immigration laws. **SUPPORT** the reauthorization of the State Criminal Alien Assistance Program (SCAAP), to reimburse state and local costs of incarcerating undocumented criminal aliens.

Violators of Probation (VOPs): **SUPPORT** legislation that prohibits inmates who are sentenced for 366 days or more from serving their sentences in county jails after October 1, 2009.

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. **SUPPORT** recommendations of the joint Department of Juvenile Justice (DJJ) and Florida Association of Counties Workgroup regarding juvenile detention; including but not limited to:

- Align the DJJ Detention budget with the statutory split. The Department has submitted a Legislative Budget Request for \$2.7 million that would help satisfy this recommendation;
- Clarify in statute that post-disposition detention stays, including those associated with post-disposition administrative handling, such as violations of probation and pickup orders, are not the responsibility of the county. Pre-disposition detention stays associated with violations of probation related to new charges will remain the responsibility of the county;
- Progress with detention reform, including the implementation of a scientifically-validated Risk Assessment Instrument that can accurately predict the risk of reoffending and court appearance; and
- Require the DJJ to collaborate closely with the counties and achieve accountable and collaborative governance at the local level.

Blueprint Commission: **SUPPORT** the findings and recommendations of DJJ's Blueprint Commission report.

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.

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

Crime Lab Funding: **SUPPORT** additional funding to address the existing funding disparity between state and locally-operated crime analysis laboratories.

Fireworks Regulation: **SUPPORT** revisions to Chapter 791, F.S., which strengthens state and local regulations of the sale of fireworks and their illegal use. **OPPOSE** legislation that limits local regulation, or enforcement, of illegal fireworks.

Fiscal Responsibility: **OPPOSE** legislation that amends, or creates, a criminal justice policy that does not determine and disclose the fiscal impact on counties. **OPPOSE** legislation that is predicted to have a substantial fiscal impact on county jails, but fails to provide counties a mechanism to recapture costs of implementation.

911 Dispatch Training Requirements: **SUPPORT** opportunities to meet 911 dispatch training certification requirements mandated in SB 742 (2010) through on-line training and/or other means that enable access to training without necessitating travel and other related human resource impacts. Provide extensions for local governments that request additional time to comply with SB 742 (2010) due to fiscal constraints or other conditions.

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. **ENCOURAGE** the Florida League of Cities to work together with the Florida Association of Counties on this issue.

IMPACTS TO COUNTY JAILS

Inmates with Medicaid Eligibility: **SUPPORT** expanding Medicaid enrollment eligibility to individuals incarcerated but pending disposition of charges (pre-trial detainees) pursuant to the Affordable Care Act to help lower recidivism and reduce costs to counties for medical care.

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

JUVENILE JUSTICE

Juvenile Detention: **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.

GENERAL PUBLIC SAFETY

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.

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

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 developed by the DCA, and as 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.

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 remained 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.

Emergency Management Ranking: **RELATES** to working with FDEM on developing an appropriate ranking/typing of county emergency management offices.



Growth, Environmental Planning & Agriculture Policy Committee *2012-13 Policy Statements*

Growth Management Section

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Florida's Growth Management Framework: FAC **SUPPORTS** legislative efforts that strengthen the existing roles and home rule powers of local governments to implement comprehensive planning programs that guide future development and encourage the most appropriate use of land and natural resources.

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

Small County Technical Assistance (SCTAS): **SUPPORT** restoring state funding to the SCTAS program, which has provided essential technical assistance to Florida's small counties for more than a decade. **SUPPORT** moving the SCTAS program to the Department of Economic Opportunity.

Proportionate Fair-Share Mitigation:

Recent legislative changes to the proportionate share funding process prevents counties, under certain circumstances, from charging a development its fair share of road improvements necessary to support that development. Accordingly, FAC **SUPPORTS** the following:

- Changes in law that gives counties the option of using the proportionate share process and modifying the proportionate share language to allow local governments to determine if the proportionate fair share payment is adequate to satisfy the requirements of the local government concurrency management system.
- Modifying the proportionate fair share language in statute to ensure local governments can charge each development its proportionate share of road improvements when the road is currently deficient or when development causes the road to operate below its adopted level of service. ; and

- Clarifying language in statute that requires local governments to apply a credit only to that portion of any transportation impact fee that would have been used to fund the same improvements on which a proportionate fair share contribution is calculated, while eliminating the requirement that counties give a dollar-for-dollar credit for impact fees paid or payable in the future.

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 that 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.

Developments of Regional Impact: FAC **SUPPORTS** 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, FAC would **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.

State’s Role in Growth Management: FAC **SUPPORTS** a state role in growth management that will:

- Recognize the fundamental principle of county home rule power, which enables counties to develop local solutions to local problems;
- Foster partnerships with counties to ensure local planning goals are realized;
- Provide an appropriate vision and strategy for how the state should grow;
- Provide funding for key infrastructure systems; and
- Provide appropriate oversight in land use matters to minimize extra-jurisdictional conflicts.

County Land Use Power: **SUPPORT** maintaining the power of a county charter provision to control land use and regulatory issues on a county-wide basis. **OPPOSE** efforts to diminish the authority of county charter provisions, county ordinances and other county regulations to control land use and growth management regulatory issues on a county-wide basis. **OPPOSE** revisions that lessen county oversight and

participation in the annexation process, including weakening the power of charter provisions to control voluntary annexation methods.

Mobility Fees: **SUPPORT** the study of alternative approaches to transportation funding and concurrency, including so-called mobility fees, provided there is adequate input from county governments. **OPPOSE** any legislative mandate requiring counties to adopt such alternatives in place of existing concurrency requirements.

Public Participation: **SUPPORT** legislative efforts to increase public participation in the local planning process, provided those efforts do not create additional costs to counties.

State Infrastructure Project Consistency: **SUPPORT** legislation requiring that infrastructure projects and land-purchasing programs of the state be consistent with the local comprehensive plan.

INFRASTRUCTURE FUNDING

Growth Management and Infrastructure Funding: To ensure counties are able to meet the state's concurrency mandate, **SUPPORT** the following:

- Legislation that provides additional local revenue sources to fund public infrastructure needs;
- Legislation that provides counties greater flexibility in levying and using currently-authorized local revenue sources and enhancing their authority to pledge revenues for bonding; and
- Restoring funding for the Rural Infrastructure Trust Fund to \$4 million dollars.

URBAN GROWTH POLICY

Urban Growth Study: To help promote urban growth, reduce sprawl-type development, and preserve agricultural areas, FAC **SUPPORTS** the development of a comprehensive state urban growth policy. To help facilitate the development of this policy, FAC **PROPOSES** that the Legislature undertake a comprehensive review of this issue, with the goal of developing a broad set of recommendations that can be implemented at both the state and local level.

RURAL GROWTH ISSUES

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, FAC **SUPPORTS** the following:

- Allowing slow/no-growth counties to request that their Evaluation and Appraisal Reports be deferred to a date to be agreed upon by the county and DCA.

- Restoring the full amount of local technical assistance monies (\$3.2 million) to the Department of Community Affairs, 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
- A pilot growth management training program for small counties.

OTHER GROWTH MANAGEMENT ISSUES

Affordable Housing: **SUPPORT** retaining the full amount of dedicated documentary tax revenues towards state and local affordable housing programs. **OPPOSE** legislative efforts that restrict or otherwise limit county home rule authority to use linkage fees for affordable housing.

REGIONAL PLANNING ISSUES

Regional Planning Councils (RPCs): **SUPPORT** changes to Ch. 163 to 1) allow RPCs to set a date which a proposed or adopted land use amendment must be submitted in order to be placed on a specific council agenda and 2) allow a one-time deferral (to the next RPC meeting) of a proposed or adopted land use amendment found inconsistent to address the inconsistency. **SUPPORT** strengthening the RPCs by 1) including RPCs in the definition of “Local Government” in growth management statutes and 2) removing provisions in Florida law that prohibit a finding of non-compliance related to a local government’s comprehensive plan based solely on an inconsistency finding with the applicable Strategic Regional Policy Plans developed by the RPC. **SUPPORT** legislative efforts that would establish standards for providing a regional visioning process to the Strategic Regional Policy Plans.

RPC Funding: **SUPPORT** a fair and equitable dues structure for counties and cities that are members of an RPC. **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.

Beach Access by the Public: **SUPPORT** legislation which preserves public access to and along beaches and state water bodies and which preserves county regulatory power.

Beach Renourishment: **SUPPORT** continuation of a dedicated state funding source for beach renourishment at or above statutory levels. **SUPPORT** legislation that protects the sovereign immunity of counties with regard to beach mitigation liability where a county conducts beach renourishment according to federal and state regulatory requirements. **OPPOSE** additional permitting of geotextile containers outside of the emergency rigid coastal armoring context. **OPPOSE** legislation that would require the use of geotextile containers in any given beach renourishment scenario.

Beaches and Shores: **SUPPORT** legislation that improves the timeliness and reduces the cost of the joint coastal permitting process for counties without jeopardizing environmental resources. **SUPPORT** legislation that provides for streamlined permitting for previously restored beaches and inlet management projects that have undergone the joint coastal permitting process, while still protecting the environment.

Billboards: **OPPOSE** dilution of county authority to regulate billboards. **OPPOSE** legislation that preempts local government's ability to establish and maintain local ordinances which regulate billboards.

Dangerous Captive Wildlife: **SUPPORT** legislation or rulemaking that enhances interagency coordination between the Florida Fish and Wildlife Conservation Commission (FWC) and counties relating to land use and the siting of dangerous captive wildlife. **OPPOSE** legislation or rulemaking that purports to further preempt local government land use authority with regard to dangerous captive wildlife. **SUPPORT** either listing iguanas as a reptile of concern, or removing the current Class III permitting exemption for iguanas.

Delegation: **SUPPORT** legislation that allows for increased delegation to local governments where the resources exist to accept partial or complete delegation of environmental regulatory programs from the state. **OPPOSE** legislation that would require local programs to seek delegation, since many local environmental programs seek only to fill in the gaps of state and federal regulatory programs.

Energy: **SUPPORT** legislation that provides incentives for local governments to assist in state energy policies such as green building and carbon emission reductions. **SUPPORT** legislation that would provide technical assistance funding for counties in implementing carbon emission reduction programs. **SUPPORT** legislation that would

provide technical assistance funding for counties to review and revise their comprehensive plans and land development regulations or codes so that they are compatible with initiatives to reduce carbon emissions by, among other things, promoting green building and low impact development concepts. **OPPOSE** legislation that would result in additional energy-related mandates to county government without funding to implement such mandates.

SUPPORT a state comprehensive climate change action plan, energy policies, and other initiatives to reduce carbon dioxide and other compounds in the atmosphere which will help provide solutions to present and future generations, including ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic growth and prosperity. Specifically, **SUPPORT** state and federal legislation that recognizes adaptation and mitigation as critical climate change issues. Additionally, **SUPPORT** state funding sources to assist local governments in developing and implementing necessary climate change initiatives. **SUPPORT** legislation that allows constitutional officers to implement a four day work week, but **OPPOSE** legislation that requires local governments to implement nontraditional working hours.

SUPPORT legislation that streamlines permitting and regulatory processes for solar products and installers. **SUPPORT** legislative incentives to encourage net metering and feed-in tariff programs. **SUPPORT** regulatory clarification that net metering should apply to each customer, as opposed to each meter, so that condominiums and other multi-unit buildings installing a single solar system can apply the benefit to multiple users. **SUPPORT** fully funding the Federal Green Jobs Act of 2007.

SUPPORT legislation that creates a Clean Portfolio Standard (CPS) for the State of Florida. Alternatively, **SUPPORT** a Renewable Portfolio Standard (RPS) for Florida. Additionally, FAC **SUPPORTS** renewable energy legislation that creates financial certainty for utilities, creates a market both for utility projects and non-utility renewable energy development, and recognizes the cost differential between energy efficiency projects and new sources of traditional power generation.

SUPPORT federal legislation that adopts stricter fuel efficiency standards at the national level to ensure uniformity of regulation.

SUPPORT legislation that allows manufacturers of solar products to train contractors and supervise the installation of their products, without being required to obtain a contracting license. **SUPPORT** legislation that either removes the requirement for the Florida Solar Energy Center (FSEC) to approve solar products for sale in Florida, or that requires FSEC to select nationally-recognized standards for use in its testing and approval process. If FSEC continues to test and approve products, **SUPPORT** legislation that requires FSEC to submit a plan to the Legislature for reducing its current two-year backlog.

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

Environmental Regulation and Permitting: FAC is **concerned** that recent legislative proposals relating to environmental permitting have been overly broad in nature, such that there would be adverse consequences to growth management and environmental protection in Florida. FAC **SUPPORTS** legislation that is thoroughly vetted with all stakeholders, and that takes a targeted approach to increasing regulatory efficiencies, rather than broadly preempting local governments. **OPPOSE** legislation that prevents counties from having local environmental programs that are stricter in nature 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 environmental restoration and enhancement projects, particularly as these activities pertain to implementation of the Total Maximum Daily Load (TMDL) program.

Florida Forever: **SUPPORT** the continuation of the Florida Forever land acquisition program, to the extent the program is sufficient to acquire land for the protection of natural resources and green spaces. **SUPPORT** continuation of a dedicated state funding source which provides local match funding for local land acquisition. **OPPOSE** any efforts to undermine local government zoning authority. **SUPPORT** legislation that would require land acquisition projects to be ranked according to their consistency with the local comprehensive plan.

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

Mining: **OPPOSE** legislation that reduces or eliminates the county government role in siting mines for the production of construction aggregate or other minerals. **OPPOSE** legislation that would prevent the ability of counties to regulate local concerns relating to the operation of mines including, but not limited to, hours of operation, noise, traffic, and dust. **SUPPORT** legislation that addresses Florida's failing port and rail infrastructure in a meaningful way, so that construction aggregate can be economically imported. **SUPPORT** legislation that provides incentives for the increased use of recycled industrial materials in construction, to lessen the need for new mines.

Recycling: **SUPPORT** legislation that provides appropriate resources and incentives to local governments to achieve any statewide recycling goals. In order to accurately account for Florida's recycling efforts, there should be a recycling credit for municipal solid waste (biomass) used in the production of renewable energy that specifically includes waste-to-energy and all other materials that are recycled. However, the

current definition of "recovered materials" should not be used to further preempt local governments in this area, and FAC would **OPPOSE** any effort to do this. Any recycling plan promulgated by the state must take markets into account, as well as the fiscal situation that local governments are currently facing.

Additionally, **OPPOSE** legislation that imposes fees or taxes on local governments for collecting waste, which is an essential governmental service.

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

Solid Waste Management: **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-Construction & Demolition Debris ("C&D") Collection, Recycling and Disposal: **OPPOSE** preemption of county authority to franchise and otherwise regulate C&D haulers, recyclers, or disposal facilities.

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

Vessels and Waterways: **SUPPORT** continued state funding of derelict vessel removal. **SUPPORT** legislation that provides public access to waterways and preserves county regulatory power. **SUPPORT** continued state and local regulation of vessels, mooring fields, bulkheads and seawalls, floating vessel platforms, and seagrasses in order to protect water quality. **OPPOSE** further dilution of county authority to regulate vessels and waterways. **SUPPORT** greater county authority to regulate vessels in navigation outside of mooring fields. **OPPOSE** further attempts to preempt local government authority to regulate vessels. **SUPPORT** legislation that authorizes local governments to create a trust fund to pay for enhanced manatee protection, including improved law enforcement, in lieu of or in addition to providing DEP with a list of projects for meeting the public interest criteria for dock permitting.

Water – Irrigation and Reclaimed Water: Local governments have invested significant resources toward developing reclaimed water in order to conserve Florida's water resources; therefore, FAC **OPPOSES** additional regulations of reclaimed water by water management districts that are outside the scope of the water management district's statutory authority and that provide regulatory hurdles to the development of reclaimed water. **OPPOSE** statewide or regional regulations regarding irrigation that

result in unfunded mandates to local government or preemption of local government ordinances. **SUPPORT** legislation that specifically authorizes local governments to promulgate irrigation ordinances, consistent with s. 373.228(4), F.S.

Water – Ocean Outfalls: **SUPPORT** legislation that provides adequate funding for the elimination of ocean outfalls of wastewater.

Water – Onsite Wastewater Treatment: **OPPOSE** legislation that would prevent counties from requiring mandatory hookup to central sewer. Local governments are best equipped to determine how to properly balance environmental concerns with the cost of providing for wastewater treatment to homeowners and businesses, whether by centralized sewer, advanced treatment units, performance based onsite wastewater systems, or conventional or passive onsite systems; therefore, **OPPOSE** legislation that would reduce the local role in determining how to best address wastewater issues locally.

Septage Waste Disposal: **SUPPORT** the repeal of the statutory ban on the land application of septage set to commence in 2016. Provide the opportunity for septic waste disposal that does not cause unreasonable increased burden or cost for the public. **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.

Water Supply – Funding: **SUPPORT** legislation that enhances regional and local financial capacity to address water resource and water supply development. **SUPPORT** legislation that enhances the flexibility of expenditures from the state, regional, and local funding sources to address water resource and water supply development. **SUPPORT** the enhanced funding of the Water Protection and Sustainability Program within the DEP for alternative water supply development, water quality development, and comprehensive water supply infrastructure needs. **SUPPORT** greater commitment of state resources for regional systems of statewide importance, such as rivers, springs and the Everglades. Specifically, **SUPPORT** renewed funding for alternative water supply projects, conservation, and the TMDL program. **SUPPORT** maintaining the current limitations on the use of Florida Forever funding for water resource development.

Water Pricing and Privatization: **OPPOSE** legislation that shifts water supply allocation from a publicly regulated process to a market driven process. **OPPOSE** legislation that undermines the fundamental principles of Florida water law which establishes a right of use, not a right of ownership. **SUPPORT** legislation that preserves the fundamental principles of water law which requires a showing 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. FAC is **CONCERNED** about further defining the public

interest test in statute because the public interest is a dynamic concept that changes with time and differs regionally. Any further definition of this test in statute should properly balance the impact to water resources with economic concerns. **SUPPORT** legislation consistent with the fundamental principles of Florida water law, that will allow water management districts the flexibility to work with local governments to establish procedures to manage reallocation efforts when regions have reached or surpassed their sustainable amount of water usage. **SUPPORT** legislation that removes the current sales tax exemption on bottled water.

Water Transfer: OPPOSE legislation that undermines existing Florida water law which states that 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 which is required to supply the needs of that county's natural systems or any of the inhabitants or property owners therein. **SUPPORT** continuation of state law on local sources first. Because counties have the prior right to reasonable and beneficial use of water, FAC **SUPPORTS** legislation that requires the consent of affected counties or water supply authorities to regional and inter-regional projects.

Water Quality Credit Trading: SUPPORT expanding water quality credit trading beyond the current pilot project in the Lower St. Johns River only under the following conditions:

SUPPORT trading only when incorporated into an adopted Basin Management Action Plan or reasonable assurance document.

SUPPORT trading where credits are generated only by permit revisions that require a seller to go above and beyond minimum regulatory requirements.

OPPOSE trading where the buyer and seller are not within the same basin.

SUPPORT an accurate accounting mechanism for water quality credits which results in an overall improvement of water quality, where TMDLs are met or exceeded.

OPPOSE location factors that allow pollutant loads that result in hot spots or cumulative effects.

SUPPORT default uncertainty factors of 2:1 for stormwater best management practices and 3:1 for agricultural best management practices.

OPPOSE indefinite credit trading contracts. Credit trades should be reviewed periodically so that they are only short-term solutions rather than long-term ones.

Water Quality – Clean Water Restoration Act: SUPPORT legislation that:

- Clarifies the basis and scope of the Clean Water Act (CWA) jurisdiction, including a more descriptive definition of the jurisdictional waters included within the term;
- Maintains Congress' policy and CWA provisions that recognize, preserve, and protect the primary responsibilities and rights of states to prevent, reduce, and eliminate pollution and to plan for the development and use (including restoration, preservation, and enhancement) of land and water resources;
- Establishes specific standards that protect wetlands having significant ecological functions or hydrological connection to navigable waters;
- Clarifies that CWA jurisdiction does not include isolated, intrastate, non-navigable waters such as isolated ponds, ditches, and other channels containing intermittent or ephemeral water flows occurring during less than 3 months of the year as "navigable waters" or "waters of the United States"; and
- Relies upon CWA jurisdiction under Congress' commerce power to accomplish the objectives of the CWA and does not add the phrase "activities affecting such waters" to the definition of "navigable waters" or "waters of the United States".

Water Quality – Numeric Nutrient Criteria: SUPPORT science-based numeric nutrient criteria for Florida's waters. FAC encourages the United States Environmental Protection Agency (EPA) and DEP to ensure that any rulemaking to promulgate new nutrient criteria:

- is based upon or correlated with cause and effect relationships between nutrients and biological impairment;
- is economically and technically feasible;
- achieves environmental benefits;
- takes into account existing state water quality and water supply programs; and
- includes meaningful stakeholder participation.

FAC encourages EPA to conduct a thorough independent scientific and economic peer review of its proposed numeric nutrient criteria and to modify its rulemaking in accordance with the outcome of the analysis.

FAC **SUPPORTS** the DEP's Numeric Nutrient Criteria Rule as a replacement for the federally promulgated numeric nutrient criteria. The Florida rule provides the necessary protection to the State's waterbodies without imposing unnecessary costs to county governments. Furthermore, the Association supports the Department's petition to the EPA to rescind their January, 2009, determination to federally promulgate numeric nutrient criteria only in Florida.

Water Quality, Stormwater Management and Total Maximum Daily Loads (TMDLs): **SUPPORT** the continued or enhanced funding of the Water Protection and Sustainability Program within the DEP for TMDL and stormwater programs. **OPPOSE** legislation that would preempt county authority to regulate water quality or would restrict counties in implementing TMDLs. **SUPPORT** measures to preserve county authority to address water quality problems or those that provide flexibility to county governments in crafting solutions to water quality problems at the local level.

Working Waterfronts: **SUPPORT** legislation that provides additional state and local funding sources and statutory provisions to assist local governments in the following: 1) the acquisition of property or the securing of development rights resulting in the preservation or enhancement of public access to Florida water bodies; 2) the preservation of recreational and commercial working waterfronts; and 3) the construction or maintenance of boating improvement projects.

Water – Fertilizer and Landscaping: **OPPOSE** preemption of county authority to regulate the use and application of fertilizer. **SUPPORT** enhanced statewide promotion of the Florida Green Industries Best Management Practices as a basic level of water quality protection, with more stringent protection authorized for specific 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.

Water Supply – Governance: **SUPPORT** legislation that would enhance local government participation in the water management district planning, permitting and regulatory processes. **OPPOSE** the legislative creation of a statewide water commission or “water czar” which redefines the water supply relationship among the state, water management districts, and local governments, as this would add a new layer of government and create additional bureaucracy. As an alternative to this, FAC would first **SUPPORT** utilizing the DEP to maximize coordination and cooperation among the water management districts.

Water Supply – Reservations: **SUPPORT** the current authority of the DEP and the water management districts to create water reservations for the purpose of protecting natural resources and the public health and safety. **SUPPORT** legislation providing counties with input to DEP or the water management districts with respect to water reservations projects, minimum flows and levels, and recovery and prevention strategies.

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.

Agricultural Preemption: FAC recognizes that Florida's agricultural producers provide a tremendous service for Florida's citizens. Therefore, FAC **SUPPORTS** legislation that attempts to curb abuse of agricultural protections by developers, as this abuse is detrimental to both local governments and the agricultural community. **OPPOSE** any efforts to further preempt local government regulations that pertain to agricultural lands. Local governments by and large have a good relationship with their agricultural communities. However, a blanket preemption of local regulation is attempted each legislative session, and this is not a good policy option. Local legislative actions are taken for a reason, and they should not be invalidated across the board.

Rural/Agricultural Preservation: **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. **SUPPORT** the implementation of Rural Land Stewardship Areas (RLSAs) pursuant to s. 163.3177, F.S., to maintain the economic value of rural land, protect the character of Florida's rural areas, ensure the viability of Florida's agricultural economy, and control urban sprawl. **SUPPORT** legislation that provides local match funding for technical assistance and planning money for counties to implement RLSAs. **OPPOSE** legislation that seeks to unfairly alter current property rights law by ignoring the principles of reasonable investment backed expectation, creating unwarranted privileges for speculative land uses. **OPPOSE** legislation that preempts local government's ability to establish and maintain local ordinances which regulate land use and environmental issues.

Sustainable Agriculture: **SUPPORT** legislation that encourages and incentivizes sustainable agriculture, to maximize local food production.

Agritourism: Support agritourism on land classified as agricultural land so long as the activities comply with local land use and environmental regulations. **SUPPORT** agritourism activities that are related to any produce, merchandise or services sold produced or manufactured on the farm.