



RESTORE The PARTNERSHIP

2009 LEGISLATIVE PROGRAM



2009 Florida Association of Counties Priorities Program

Finance, Transportation & Administration:

Finance & Tax Reform:

Revenue & Expenditure Caps (TABOR): OPPOSE legislative or constitutional restrictions on county authority to determine local tax burden or local financial commitments to services and quality of life.

Fiscally Constrained Offset: SUPPORT full funding for the legislative commitment to offset Amendment 1 for fiscally constrained counties and future legislation that preserves the financial capacity of fiscally constrained counties in a manner that does not replace or reduce existing programs and revenues for small rural counties and that does not divert funds from other counties or from cities.

Working Waterfront Property: SUPPORT implementing legislation authorizing defined properties to be assessed by factors other than highest and best use.

Truth-in-Millage (TRIM): SUPPORT establishing a TRIM notice that is streamlined and easier for the taxpayer to understand. **SUPPORT** replacing rollback millage with the maximum millage calculation. **SUPPORT** listing each constitutional officer's total budget on the TRIM notice to reflect the proportion of millage rate or property taxes.

Payment in Lieu of Taxes (PILT): SUPPORT fully funding PILT to counties impacted by state and water management district land purchases, basing payments on the acquisition price or current use of the property.

Tourist Development Tax/Sales Tax: SUPPORT clarifying the definition of timeshares and codifying case law that provides a definition of transient rentals to include intermediary transactions via internet resellers.

Conservation Use Property Tax Assessment Classification: SUPPORT implementing legislation authorizing counties to classify agricultural land taken out of agricultural use or production as conservation land for the purpose of providing a local option agricultural classification when determining taxable

value. **SUPPORT** legislation that implements the intent of Amendment 4 to promote land conservation without having a significant impact on local ad valorem revenues.

Transportation/Economic Stimulus:

Infrastructure Funding: SUPPORT restoring the statutory commitment from SB 360 directing documentary stamp tax revenues for transportation (\$541 million), water protection and sustainability (\$100 million), and for educational facilities (\$105 million).

Regional Transportation Finance Authorities: 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 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 (VMT), 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.

Growth, Environmental Planning & Agriculture:

Growth Management:

Florida's Growth Management Framework: FAC **SUPPORTS** the purpose and intent of the Local Government Comprehensive Planning Act, which is to 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.

The 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.

The Role of the Department of Community Affairs: Recognizing the state's need for comprehensive planning and strategic growth management, FAC **SUPPORTS** the Department of Community Affairs (DCA) as the State Land Planning Agency and, in the interest of all citizens, **SUPPORTS** having the agency maintain this responsibility. To ensure DCA can effectively carry-out its responsibilities, serve as a technical resource for local governments, and implement a growth management vision for the state, FAC **SUPPORTS** state funding to the agency at a level that ensures it can meet these responsibilities. **SUPPORT** DCA's working effectively with counties to make the comprehensive review process more efficient.

Energy:

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. 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.

Alternative Energy Sources: SUPPORT legislation that provides incentives for the agricultural development of alternative energy sources, as well as incentives for development of infrastructure and usage of alternative energy sources. **SUPPORT** continued funding to the Department of Agriculture and Consumer Services to provide grant funds for the development and study of alternative energy sources. **SUPPORT** legislation to incentivize increased usage

of alternative energies and fuels in all governmental fleets and buildings as well as the private sector.

SUPPORT legislation that incentivizes the development of alternative energy sources. However, **OPPOSE**, legislation that further preempts local land use authority with regard to power plant and transmission line siting and the siting of alternative energy sources.

Health & Human Services:

Cigarette Tax: SUPPORT legislation that will increase the state's cigarette tax per pack, bringing Florida closer to the national average. **SUPPORT** earmarking the resulting revenue specifically for health care services.

Public Safety:

Judicial Funding:

Trust Funding of the Judicial Branch: SUPPORT the creation of trust funds for the Judicial Branch in an attempt to identify a dedicated revenue source for the third branch of government. **OPPOSE** additional cuts to the judicial branch.

Funding for Court-Related Infrastructure: SUPPORT increasing the current \$15 maximum surcharge on criminal and non-criminal traffic violations to \$30, as authorized in s. 318.18(13)(a), F.S., to provide counties with additional financial resources to construct new courthouses, to reconstruct, renovate or improve existing courthouses, and to construct other court-related capital improvements including parking facilities for court personnel and court users. **SUPPORT** allowing counties the option of concurrently imposing the surcharges authorized under paragraphs (a) and (b) of s. 318.18(13), F.S., and expanding the bond payment surcharge to include those facilities constructed on or after July 1, 2004.

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 funding for traffic hearing officer programs statewide including restoring all funds eliminated from this important public safety program during FY 2007-08 and FY 2008-09. 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.

Criminal Conflict and Civil Regional Councils: SUPPORT the elimination of the provisions that require counties to fund any aspect of the Criminal Conflict and Civil Regional Councils.

2009 Legislative Program





Finance, Transportation & Administration Policy Committee

2009 Policy Statements

Finance Section

Sarah Bleakley, Special Tax Counsel
Email: sbleakley@ngnlaw.com
Phone: 850-508-5816

Unfunded Mandates: SUPPORT an amendment to Florida's constitution that provides meaningful enhancements to the existing unfunded mandates provision including, but not limited to:

- eliminates exemptions from unfunded mandates;
- provides greater public notice, legislative scrutiny and fiscal information;
- enhances accountability and transparency;
- preserves self-determination and local fiscal stewardship;
- provides a process to resolve conflicts and disputes; and
- requires legislative support through the development of implementing legislation.

Finance & Tax Reform:

Revenue & Expenditure Caps (TABOR): OPPOSE legislative or constitutional restrictions on county authority to determine local tax burden or local financial commitments to services and quality of life.

Fiscally Constrained Offset: SUPPORT full funding for the legislative commitment to offset Amendment 1 for fiscally constrained counties and future legislation that preserves the financial capacity of fiscally constrained counties in a manner that does not replace or reduce existing programs and revenues for small rural counties and that does not divert funds from other counties or from cities.

Working Waterfront Property: SUPPORT implementing legislation authorizing defined properties to be assessed by factors other than highest and best use.

Truth-in-Millage (TRIM): SUPPORT establishing a TRIM notice that is streamlined and easier for the taxpayer to understand. **SUPPORT** replacing rollback millage with the maximum millage calculation. **SUPPORT** listing each constitutional officer's total budget on the TRIM notice to reflect the proportion of millage rate or property taxes.

Payment in Lieu of Taxes (PILT): SUPPORT fully funding PILT to counties impacted by state and water management district land purchases, basing payments on the acquisition price or current use of the property.

Tourist Development Tax/Sales Tax: SUPPORT clarifying the definition of timeshares and codifying case law that provides a definition of transient rentals to include intermediary transactions via internet resellers.

Conservation Use Property Tax Assessment Classification: SUPPORT implementing legislation authorizing counties to classify agricultural land taken out of agricultural use or production as conservation land for the purpose of providing a local option agricultural classification when determining taxable value. **SUPPORT** legislation that implements the intent of Amendment 4 to promote land conservation without having a significant impact on local ad valorem revenues.

Streamlined Sales Tax: SUPPORT Florida's participation in the Streamlined Sales Tax Compact to require remote vendors to collect and remit Florida's state and local option sales tax.

Mobile Home Reform: SUPPORT treating all mobile homes permanently attached to land as real property for ad valorem tax purposes.

Property Tax Relief: SUPPORT future legislation that provides alternative funding as a method to provide tax relief, preferably funding that reduces property taxes generated from the state controlled required local effort (RLE) for K-12 education.

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.

Communication Services Tax: SUPPORT allowing non-charter counties the same rate authority as municipalities and charter counties. **SUPPORT** enhanced administrative oversight and auditing authority for the Department of Revenue to enforce accurate remittance and collection of local communication services tax.

Community Redevelopment Agencies: SUPPORT clarifying that a community redevelopment agency cannot negotiate any payback or contribution to a municipality without consent of the county. **SUPPORT** establishing a payment schedule that utilizes the final taxable value for contributing jurisdictions.

Delinquent Tangible Personal Property Taxes: SUPPORT authorizing tax collectors with additional tools to collect delinquent tangible personal property taxes to improve the collection of delinquent personal property taxes owed to the county by:

- making the owner of the property liable for the taxes due;
- authorizing the Tax Collector to contract with outside entities to collect delinquent personal property taxes; and
- requiring delinquent taxpayers to pay the cost of collection rather than other taxpayers.

Fiscally Constrained Counties: SUPPORT maintaining the program by funding it from state general revenue and restoring the diverted telecommunications revenue to the affected counties.

Home Rule Impact Fee Authority: OPPOSE efforts to diminish or eliminate county home rule authority to impose impact fees.

Documentary Stamp Tax: SUPPORT eliminating the tax avoidance of the documentary stamp tax which occurs by transferring controlling interests in an entity that owns the real property.

Accident Response Fees: SUPPORT preserving home rule authority to impose accident response fees to recover the cost of responses to vehicle accidents and emergency services. **SUPPORT** authorizing specific county departments (engineer or public works) to receive copies of accident reports prepared by law enforcement.

County Budget Process: SUPPORT extending the number of days from 15 to 30 days a county must publish a proposed budget after receiving its proposed taxable value from the property appraiser. **SUPPORT** providing greater accountability and transparency of county finances, including constitutional officers.

Clerk of Courts: SUPPORT preserving Board of County Commission authority to determine financial responsibilities as it relates to financial management and post-audit functions.

Uniform Chart of Accounts: SUPPORT the Department of Financial Services efforts to revise the Uniform Chart of Accounts system to enable counties to easily submit detailed revenue information electronically, to expand and specify the subcategories for reporting expenditures and receipts for the purposes of promoting consistent reporting among local governments and adding more transparency in government.

911 Fees: SUPPORT increased administrative enforcement of the Wireless 911 fee, including provisions for audit and reporting penalties. **OPPOSE** any diversions of 911 fees to non-E-911 related purposes. **SUPPORT** expanding the use of the fee to provide for call takers and eliminating the 25-line limit.

Local Option Sales Tax: SUPPORT expanding the allowable uses of the local option sales tax to include affordable housing.

Transportation/Economic Stimulus:

Infrastructure Funding: SUPPORT restoring the statutory commitment from SB 360 directing documentary stamp tax revenues for transportation (\$541 million), water protection and sustainability (\$100 million), and for educational facilities (\$105 million).

Regional Transportation Finance Authorities: 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 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.

Local Option Rental Car Surcharge: SUPPORT authorizing counties to implement a local option rental car surcharge for regional transportation initiatives.

Florida Department of Transportation (FDOT) Work Program Deferrals: SUPPORT legislation that improves how FDOT notifies counties of project deferrals to its Five Year Work Program. **SUPPORT** statutory changes allowing counties to provide written comments to FDOT describing how a deferred project will impact their concurrency management systems and, similarly, requiring FDOT to incorporate such comments in its work program amendment request to the Governor.

Small County Millage Requirements: SUPPORT repealing the minimum millage requirements in the small county road assistance program and the permit fee waiver provision and **SUPPORT** repealing the termination date of the small county road assistance program.

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.

Rural Transportation Funding: **SUPPORT** state funding for the Small County Road Assistance Program (SCRAP). **SUPPORT** continuing enhanced state funding for Small County Outreach Program (SCOP), as provided by SB 360.

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 FDOT's 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 state funds to be used for improvement to county or local service, collector and distributor roads that provide alternative access to other controlled access state facilities; and
- Increases funding for transit projects.

Transportation Revenue Study Commission: **SUPPORT** the creation of a State Transportation Revenue Study Commission. Such a commission should include elected county officials to examine the condition and future needs of our state's transportation system and alternative funding sources to support that system.

Public-Private Partnerships: 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;
- Allow local governments to 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, included 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.

Ballot Initiative: SUPPORT an amendment to the statutes to provide that any special district created by special act or general law be required to submit any ballot initiative to the governing body of the county, or its designee, before placement on the ballot to determine legal sufficiency of said question.

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.

Elections Funding: SUPPORT full state funding of all expenditures made, and yet to be made, by supervisors of elections to comply with the requirements of the federal Help America Vote Act. **SUPPORT** the Florida State Association of Supervisor of Elections efforts to extend the 2012 deadline that requires new voting equipment for persons with disabilities found in s. 101.56705, F.S.

Eminent Domain: SUPPORT legislation that limits attorney's fees and costs associated with eminent domain cases. **SUPPORT** legislation that removes the requirement that county appraisals be based on best and highest use versus fair market value. **SUPPORT** legislation that reduces the costs of right of way acquisitions. **SUPPORT** reauthorizing public records exemption for information provided by a business owner to governmental condemning authority for the purpose of making an offer on business damages.

Florida Retirement System (FRS): OPPOSE any FRS benefit changes that result in an increase in the FRS 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.

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. **SUPPORT** raising the threshold for continuing contracts and providing an exemption for maintenance or renovations to existing facilities for professional services.

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.



Growth, Environmental Planning & Agriculture Policy Committee

2009 Policy Statements

Growth Management Section

Eric Poole, Assistant Legislative Director
Email: epoole@fl-counties.com
Phone: 850-922-4300 Fax: 850-488-7501

GENERAL PLANNING ISSUES

Growth Management: OPPOSE legislation that erodes county authority to regulate development pursuant to the Growth Management Act of 1985.

Florida's Growth Management Framework: FAC **SUPPORTS** the purpose and intent of the Local Government Comprehensive Planning Act, which is to 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.

The 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.

The Role of the Department of Community Affairs: Recognizing the state's need for comprehensive planning and strategic growth management, FAC **SUPPORTS** the Department of Community Affairs (DCA) as the State Land Planning Agency and, in the interest of all citizens, **SUPPORTS** having the agency maintain this responsibility. To ensure DCA can effectively carry-out its responsibilities, serve as a technical resource for local governments, and implement a growth management vision for the state, FAC **SUPPORTS** state funding to the agency at a level that ensures it can meet these responsibilities. **SUPPORT** DCA's working effectively with counties to make the comprehensive review process more efficient.

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.

Concurrency: Recognizing that growth and development place significant demands on county infrastructure facilities, **SUPPORT** the following:

- The state's infrastructure concurrency requirements on local governments as an essential tool for managing growth;
- A county's right to implement concurrency provisions that are more restrictive than state law;
- Appropriate changes to Ch. 163 allowing counties, as a local option, to provide transportation concurrency exemptions for local school facilities;
- Current law that requires local governments to annually submit to the DCA a summary of the number of transportation de minimis exceptions issued by those local governments; and
- The existing Transportation Concurrency Exemption Area (TCEA) provision in statute, which requires that long-term mobility issues be addressed as a condition of approval.

Mobility Fees: **SUPPORT** the study of alternative approaches to transportation funding and concurrency in urban areas, 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.

Proportionate Fair-Share Mitigation: FAC believes that the use of Proportionate Fair-Share Mitigation for transportation impacts should be at the discretion of the local government, rather than a right of the developer. Furthermore, FAC recognizes that recent legislative changes to this process may preclude counties from actually charging a developer its proportionate share of any scheduled road improvement. Accordingly, FAC **SUPPORTS** the following:

- Clarifying the proportionate fair share methodology to ensure that development pays its proportionate share of impacts to all affected transportation facilities; 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.

Additionally, FAC **OPPOSES:**

- Any legislative changes that mandate counties to expand the use of proportionate share payments on road segments not included in the Five Year Capital Improvements Element; and

- Any effort to modify the existing statutory formula for calculating proportionate share payments.

School Concurrency: FAC recognizes the importance of improving the link between development and school capacity and **SUPPORTS** school concurrency as currently provided in law, including the provision requiring school boards, as developers, to pay their proportionate share of the cost of off-site system improvements. Furthermore, recognizing that counties are just beginning to implement school concurrency, FAC **OPPOSES** changes to the existing school concurrency requirements, including any effort to mandate that school districts include portable classrooms (a.k.a. relocatables) in their inventory when calculating school capacity level-of-service.

Developments of Regional Impact (DRI): OPPOSE any changes to the DRI statute that creates additional exemptions to the DRI review process when such changes are not supported by data and analysis indicating there will be no substantial effect upon the health, safety, or welfare of citizens of more than one county. **SUPPORT** the original purpose and intent of the state’s DRI legislation (“The Florida Environmental Land and Water Management Act of 1972”), which calls for the state’s land and water management policies to be implemented by local governments through existing processes for guiding growth and development. **SUPPORT** legislation that streamlines the current DRI review process and reduces duplication between reviewing agencies. **OPPOSE** any changes that reduce the overall intergovernmental coordination and review processes provided in the DRI statute and changes that unilaterally modify existing development orders and associated permits and agreements.

Intergovernmental Coordination: SUPPORT legislation that requires intergovernmental coordination when growth decisions of one jurisdiction impact another jurisdiction.

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

Fiscal Impact Analysis: SUPPORT use of a Fiscal Impact Analysis Model as an optional tool to help local governments analyze the benefits and costs of certain land use decisions. **SUPPORT** state technical assistance in the use of the Fiscal Impact Analysis Model.

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:

- Restoring the full amount of local technical assistance monies (\$3.2 million) to the Department of Community Affairs, as originally provided under SB 360;
- Targeted technical assistance to small counties for specific comprehensive planning functions, including Rural Land Stewardship Area (RLSA) issues;
- A pilot growth management training program for small counties;
- Special consideration by the DCA in its review of small county comprehensive plans, plan amendments, and Evaluation and Appraisal Reports;
- Limited changes to Ch. 163 that would create incentives for counties to adopt specific rural policies addressing growth, agriculture protection, and rural lands protection; and
- Limited changes to Ch. 163 requiring counties that propose to submit a RLSA application to develop specific rural policies, optional sector plan, or similar rural strategy as a prerequisite for submitting the RLSA.

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.

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.

Mobile Home Parks: **OPPOSE** legislation that mandates counties make payments to mobile home owners that are displaced as a result of a property owner requesting and receiving approval to rezone his/her property to a different use.

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.

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: **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. 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.

Alternative Energy Sources: **SUPPORT** legislation that provides incentives for the agricultural development of alternative energy sources, as well as incentives for development of infrastructure and usage of alternative energy sources. **SUPPORT** continued funding to the Department of Agriculture and Consumer Services to provide grant funds for the development and study of alternative energy sources. **SUPPORT** legislation to incentivize increased usage of alternative energies and fuels in all governmental fleets and buildings as well as the private sector.

SUPPORT legislation that incentivizes the development of alternative energy sources. However, **OPPOSE**, legislation that further preempts local land use authority with regard to power plant and transmission line siting and the siting of alternative energy sources.

Environmental Regulation and Permitting: **OPPOSE** legislation that preempts local authority with regard to environmental regulation and enforcement. **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 program.

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

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 requires Homeowners Associations to comply with water management district regulations and local government ordinances.

Florida Forever: **SUPPORT** the continuation of the Florida Forever land-buying 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.

Land Acquisition: As a result of the proposed U.S. Sugar purchase, the Florida Association of Counties expresses a statement of **CONCERN** regarding large land acquisitions made by water management districts. FAC believes that land acquisitions made by water management districts having a significant regional impact should receive legislative oversight to ensure the following criteria are met:

1. Adequate and appropriate notice is provided to local governments;
2. An analysis of the economic impact to the region;
3. An analysis of the financial impact to local governments; and
4. An analysis of the impact to existing and proposed environmental and water related initiatives, including but not limited to, approved Comprehensive Everglades Restoration Program projects; and
5. Develop a plan to mitigate adverse impacts on the local communities.

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.

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

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.

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 Governance: SUPPORT legislation that would enhance local government participation in the water management district permitting and regulatory process. **OPPOSE** the legislative creation of a statewide water commission which redefines the water supply relationship among the state, water management districts, and local governments.

Water Pricing & 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 Florida 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. **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 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 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. Specifically, **SUPPORT** renewed funding for alternative water supply projects, conservation, and the Total Maximum Daily Load program. **SUPPORT** maintaining the current limitations on the use of Florida Forever funding for water resource development.

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.

Water Reservation: 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 the FDEP or the districts with respect to water reservation 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.

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, 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.

Wetland Permitting: **OPPOSE** dilution of county authority to establish and enforce wetland regulatory requirements. **OPPOSE** legislation that would require counties to permit wetland impacts in violation of local comprehensive plans, ordinances, or regulations. **SUPPORT** state funding to assist local governments with eliminating wastewater outfalls to water bodies.

Working Waterfronts: **SUPPORT** legislation that provides additional state and local funding sources and statutory provisions to assist local governments in the following: (1) with 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.

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 pursuant to section 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.



Health & Human Services Policy Committee *2009 Policy Statements*

Health Care Section

Heather Wildermuth, Senior Legislative Advocate
Email: hwildermuth@fl-counties.com
Phone: 850-922-4300 Fax: 850-488-7501

Automatic External Defibrillators (AEDs): **OPPOSE** legislation that preempts county authority to regulate use or register distribution of 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. **OPPOSE** diversion of current local funding, including but not limited to, diverting funding provided for non-Medicaid patients to Medicaid managed behavioral health care programs.

SUPPORT legislation to ensure that health maintenance organizations meet statutory behavioral health direct spending requirements and reinvest savings in direct services.

SUPPORT the expansion of crisis intervention team initiatives statewide to divert individuals with behavioral health conditions from jail incarceration. **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.

County Health Departments: **SUPPORT** maintaining state general revenue funding for county health departments, and **OPPOSE** any state reductions to the county health department trust funds. **SUPPORT** legislative efforts to retain Cost Based Reimbursement for County Health Departments. **SUPPORT** efforts to help county health departments prepare for expansion in the event that reform moves to additional counties.

Florida Kidcare Program: SUPPORT legislation that establishes a seamless eligibility process for families to easily transfer their children between the different Kidcare programs without interruption of benefits.

Long-Term Care Medicaid Reform: SUPPORT cautious implementation of long-term care pilots. **OPPOSE** actions that shift costs from the state to local governments, communities and service providers. **SUPPORT** annual financial monitoring and review of capitated rates to insure appropriate coverage of the required spectrum of elder care needs.

Medicaid Nursing Home Services: SUPPORT a fair and equitable billing methodology for purposes of assessing the amount of county subsidization of the state's Medicaid expenditures for nursing home services. **SUPPORT** legislation that provides flexibility at the local level for counties to actively participate in the state's efforts to reduce unnecessary nursing home placement by allowing counties to re-direct their Medicaid match to fund local health care services or community-based care programs that will divert premature nursing home placement. **SUPPORT** utilizing dollars for job creation at the local level to allow patients to age in place.

Medicaid Reform: SUPPORT legislation that fully maintains and preserves critical mandatory and optional Medicaid services such as the Medically Needy program without imposing additional costs on local governments.

SUPPORT Medicaid reform that considers the uniqueness of each of Florida's counties.

SUPPORT efforts to ensure that county health departments are able to provide primary care and other health care services.

SUPPORT effective external choice counseling and case management that ensures Medicaid service recipients receive the level and intensity of services that meets their needs and promotes wellness.

SUPPORT external quality assurance monitoring and measures that hold managed care plans and provider service networks accountable for appropriate care.

SUPPORT modifications to Medicaid's drug formulary that ensure access to medically necessary prescription drugs, including, but not limited to, access to medically needed psychotropic medications.

OPPOSE expansion of Medicaid reform pilot to additional counties until the issues identified have been satisfactorily resolved.

SUPPORT legislation that would include additional local government appointees to the Low Income Pool Council.

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.

Cigarette Tax: **SUPPORT** legislation that will increase the state's cigarette tax per pack, bringing Florida closer to the national average. **SUPPORT** earmarking the resulting revenue specifically for health care services.

Transportation Disadvantaged (TD): SUPPORT the continuation of a coordinated transportation disadvantaged system per Chapter 427, F.S. **SUPPORT** efforts to avoid fragmentation, inefficient operation, and costly duplication of TD services. **SUPPORT** appropriate and dedicated state funding to counties for the TD program based upon data from actual ridership without shifting the responsibilities of these funding services to local governments. **SUPPORT** legislation that provides the financial infrastructure for the state to sustain Medicaid non-emergency patient transportation services by using an allocation methodology rate process for distribution of funds to counties that does not shift financial responsibility of these services to the local level. **SUPPORT** efforts to increase the motor vehicle registration fee for the Transportation Disadvantaged Trust Fund to raise additional designated funding for transportation disadvantaged 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.

Choose Life License Plate Revenue: SUPPORT legislation that will give counties more flexibility in redistributing unused dollars generated from the sale of the Choose Life license plate to appropriate agencies.



Public Safety Policy Committee

2009 Policy Statements

Public Safety Section

Sarah Troncoso, Legislative Advocate II
Email: stroncoso@fl-counties.com
Phone: 850-922-4300 Fax: 850-488-7501

GENERAL PUBLIC SAFETY:

Florida Public Safety Coordinating Commission (FPSCC): SUPPORT the creation of the FPSCC within the Florida Association of Counties to facilitate open communication between local governments and the state.

Automated Traffic Enforcement: SUPPORT legislation that would allow counties and municipalities to use automated traffic enforcement technology at intersections to combat the increasing problem of red light running.

Correctional Policy Advisory Council: SUPPORT the evaluation of correctional policies, justice reinvestment initiatives, and laws affecting or applicable to corrections at the state and local level by the Correctional Policy Advisory Council, as created by SB 2000 in 2008, including the study of the effects of laws creating mandatory sentencing.

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 from or impede counties from building and maintaining an interoperable radio communication system as authorized by statute.

Ex-Offender Task Force: SUPPORT the findings and recommendations of the Ex-Offender Task Force.

Fireworks Regulation: SUPPORT revisions to Chapter 791, F.S., which strengthen 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.

IMPACTS TO COUNTY JAILS:

Illegal Aliens: 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, including \$200 million in new funds to cover indirect costs (such as court costs and indigent costs) that are not currently covered under SCAAP.

Medical Costs: SUPPORT legislation that reduces jail expenses by setting a standardized statewide reimbursement amount paid by counties to medical providers for health care services provided to inmates and arrestees at the established Medicaid rate or less. **SUPPORT** state funding to house and care for jail inmates within 15 days of such inmates being declared mentally ill per existing state law.

Eligibility Benefits for Inmates Awaiting Adjudication: SUPPORT legislation that amends federal law (U.S. Code of Federal Regulations, Title 42, Part 435.1009) to allow Federal Financial Participation for individuals, including juveniles, who are accused of committing a crime and are awaiting trial, even if incarcerated, until they are convicted of a crime.

Violators of Probation: SUPPORT legislation that requires the state to house violators of probation who are alleged to have committed a qualifying offense as defined in s. 948.06, F.S., while awaiting disposition and transfer. **SUPPORT** limiting the number of days a felony violator of probation (VOP) can be held in a county jail, prior to disposition, to 30 days. **SUPPORT** legislation that prohibits inmates who are sentenced for 366 days or more from serving their sentences in county jails after October 1, 2009. **SUPPORT** legislation that requires the State Department of Corrections (DOC) to pay for "prisoners" ("prisoner" is defined as an offender who is incarcerated for at least 366 days or more, or a felony VOP that is held in a county jail, prior to disposition, for more than 30 days) housed in county jails based on DOC's past annual estimated cost per day.

Mentally Ill and Substance Abuse: SUPPORT increased funding of the Criminal Justice Mental Health and Substance Abuse Reinvestment Grant Program (created by HB 1477 during the 2007 session) with recurring dollars in a trust fund. **SUPPORT** full federal funding of the Second Chance Act.

JUDICIAL SYSTEM:

Communication Services re Article V: SUPPORT the elimination of county responsibility for funding subpoena services, auxiliary aids, courier services, phone

services, and other line or communication services charges, as communications requirements. **SUPPORT** limiting county responsibility for information technology needs of the courts and court stakeholders to the infrastructure necessary for the communication of computer terminals (i.e., cabling, routers, switches, and network firewalls used to connect and integrate nodes). **SUPPORT** the elimination of the provisions requiring counties to fund enhancements and upgrades to existing radio systems and existing Criminal Justice Information Systems.

Drug Court Funding: **SUPPORT** legislation that would allow each county in which a drug court program has been established under s. 397.334, F.S., to require by ordinance the assessment of a mandatory cost in the sum of \$6 which may be assessed by both the circuit court and the county court against each person who either a) Pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of Chapter 893, F.S., b) Pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a municipal ordinance or a county ordinance, or c) Pays a fine or civil penalty for any violation of Chapter 316, F.S., to fund any aspect of the Criminal Conflict and Civil Regional Councils.

Funding for Court Related Programs: **SUPPORT** the continuation and enhancement of the \$2.00 recording fee to be distributed to the 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. **SUPPORT** the continuation and enhancement of the amount of state imposed and local option court costs and fees to include the expansion of the \$65.00 court cost on civil offenses for use in funding court innovations, legal aid, law libraries, teen court, and any other local programs deemed appropriate by counties.

Local Requirements: **SUPPORT** elimination of the requirement that counties fund teen courts, court innovations, and law libraries. **SUPPORT** eliminating the statutory requirement that counties fund legal aid programs and **SUPPORT** the development of alternative state funding sources for legal aid programs. Also, **SUPPORT** the elimination of the requirement that each county fund alternative sanction coordinators, as required under Florida Statutes.

Pre-Trial Release: **SUPPORT** maintaining county ability to provide non-monetary pre-trial release services that ensure the safety and welfare of local communities. **OPPOSE** legislation limiting the discretion of the first appearance judge, requiring written reports and certification of defendants for release and eliminating the presumption of release on non-monetary conditions.

Prosecution and Defense of Local Ordinance Violations: **SUPPORT** creation of county authority to negotiate the statutory \$50.00 hourly rate under s. 27.34(1), F.S., with the local state attorney and under s. 27.54(2), F.S., with the local public defender for the prosecution and defense of local ordinance violations. **SUPPORT** the protection of local prosecutors by exempting from public records law, specific personal information of those who prosecute local ordinances.

Service of Process Fees: **SUPPORT** an increase of statutorily-limited fees for Sheriffs' service of civil and criminal process to a level reflecting true average cost to counties.

Judicial Funding:

Trust Funding of the Judicial Branch: **SUPPORT** the creation of trust funds for the Judicial Branch in an attempt to identify a dedicated revenue source for the third branch of government. **OPPOSE** additional cuts to the judicial branch.

Funding for Court-Related Infrastructure: **SUPPORT** increasing the current \$15 maximum surcharge on criminal and non-criminal traffic violations to \$30, as authorized in s. 318.18(13)(a), F.S., to provide counties with additional financial resources to construct new courthouses, to reconstruct, renovate or improve existing courthouses, and to construct other court-related capital improvements including parking facilities for court personnel and court users. **SUPPORT** allowing counties the option of concurrently imposing the surcharges authorized under paragraphs (a) and (b) of s. 318.18(13), F.S., and expanding the bond payment surcharge to include those facilities constructed on or after July 1, 2004.

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** funding for traffic hearing officer programs statewide including restoring all funds eliminated from this important public safety program during FY 2007-08 and FY 2008-09. 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.

Criminal Conflict and Civil Regional Councils: **SUPPORT** the elimination of the provisions that require counties to fund any aspect of the Criminal Conflict and Civil Regional Councils.

JUVENILE JUSTICE:

Blueprint Commission: **SUPPORT** the findings and recommendations of the Department of Juvenile Justice's Blueprint Commission report.

Cost Sharing of Detention Care: SUPPORT revising s. 985.686, F.S., to define the financial responsibility of juvenile detention care by means of proportional responsibility between the state and the county with the goal of:

1. **Promoting transparency and accountability:** state and county government must be able to identify to the taxpayers how juvenile detention is funded in Florida.
2. **Providing budget predictability:** the state must provide each county with a reliable estimate of what their forecasted juvenile justice costs will be for the coming fiscal year prior to July 1st to enable counties to use this information in developing their budgets.
3. **Refocusing energy on juveniles by eliminating bureaucracy:** shifting the energy that is currently being spent by state and county employees on the confusing pre versus post disposition cost-sharing bureaucracy to jointly committing to improving the overall efficiency and effectiveness of our state's juvenile justice system, including reducing recidivism amongst our youth leading to cost savings and a safer Florida.

SUPPORT codifying that collectively non-fiscally constrained counties are responsible for seventy percent of all detention care costs, the same proportionate share of detention care costs that non-fiscally constrained counties have been collectively paying annually since the original cost-shift in 2004, and the state shall be responsible for the remaining thirty percent of detention care costs. All other juvenile justice costs will be paid for by the state without reimbursement from counties. **SUPPORT** the establishment of a "Shared County/State Juvenile Detention Workgroup" to include one representative appointed by each of the following entities: the Department of Juvenile Justice, the Florida Association of Counties, the Florida Association of County Attorneys, the Florida Sheriffs Association, the OPAGA, the House Appropriations Committee staff and the Senate Appropriations Committee staff. In preparation of each new fiscal year, the Shared County/State Juvenile Detention Workgroup shall assemble quarterly to determine the total detention care costs for the upcoming fiscal year, approve the utilization for the preceding quarter, review the adequacy of internal controls and compliance, and provide recommendations to the Governor and Legislature on ways to reduce costs. No later than 30 days in advance of the final annual quarterly scheduled Shared County/State Juvenile Detention Workgroup meeting, the department shall provide to the appointed members, and the public, a line item breakdown of each specific cost of operating each secure detention facility for the immediate preceding fiscal year, itemizing all costs for each secure detention facility and providing as much transparency as requested. The Shared County/State Juvenile Detention Workgroup may not increase the prior year's total secure detention costs by an amount to exceed the lesser of the current rate of inflation or 3%. Each county shall pay to the department for deposit into the Shared County/State Juvenile Detention Trust Fund

Juvenile Justice Grants and Donations Trust Fund that county's estimated annual share. Each payment shall be made monthly, in an amount that is one-twelfth of the county's estimated annual share approved by the Workgroup. **SUPPORT** defining "estimated annual share" as the per diem rate times the utilization for each county; "per diem rate" as a daily rate for one service day that is derived by dividing the previous fiscal year's cost of detention care by the overall statewide utilization by all non-fiscally constrained counties. The Shared County/State Juvenile Detention Workgroup must approve the established per diem rate in the manner described herein; "utilization" as equaling the total service days of detention care during a fiscal year, as approved by the Workgroup in the manner described herein; and, "service day" as any day or part of a day spent by a youth in secure detention.

Detention Risk Assessment Instrument (DRAI): SUPPORT legislation that implements juvenile detention alternatives and revises the DRAI to divert children from detention facilities.

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

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 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. **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 seven percent service charge 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 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.

Non-Emergency Governmental Telephone System: SUPPORT creating a statewide grant program to support 2-1-1 and 3-1-1 telephone systems to provide seamless government access and relieve calls from 9-1-1 that are important but non-emergencies.

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.




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