

**FINANCE·TAX &  
ADMINISTRATION  
POLICY COMMITTEE**

**2017-2018 FAC Legislative Conference**

November 15-17, 2017

Hyatt Regency Sarasota

Sarasota County, Florida



2017-2018 Policy Workbook



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## AGENDA

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- Review and Consideration of Revised Guiding Principles (**Page 5**)
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- 2018 Legislative Preview and Highlights
- Adjourn

## **2018 FAC LEGISLATIVE CONFERENCE**



**Finance, Transportation & Administration Policy Committee**  
Committee Leadership

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**CHAIR**

Chip LaMarca  
Broward County

**Vice-Chair**

Carolyn Ketchel  
Okaloosa County

**Policy Leaders**

Jack Richie, Highlands County  
Carl Zalak, Marion County  
Scott Carnahan, Citrus County  
Nancy Detert, Sarasota County  
Ralph Thomas, Wakulla County  
Donald O'Brien, Flagler County  
Charles Smith, Manatee County

Linda Bartz, St. Lucie County  
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Mack Bernard, Palm Beach County  
Kelly Owens, Okeechobee County  
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## **2018 FAC LEGISLATIVE CONFERENCE**



### Taxation and Funding of Local Government

*County governments have the responsibility to provide not only core public services, but also to provide the infrastructure and services that form the foundation of local and state economies. Adequate revenue must be raised to fund these local needs, while also providing for services and programs that are mandated by the state. If counties are to succeed in meeting their responsibilities, an adequate and fair local tax policy that is commensurate with the many responsibilities of modern county government must be developed. The mechanisms for financing county services should be able to adapt to emerging technology, changing economic circumstances, and should be structured to address the ever-increasing demands on county government service delivery.*

- FTA 1. The Florida Association of Counties is dedicated to protecting the integrity, functionality and fairness of local ad valorem taxing authority, as well as that of the other locally available revenue sources.
- FTA 2. The Florida Association of Counties supports policies that consider impacts to state revenues shared with counties for the provision of local services and is opposed to permanent modifications to state shared revenue sources or related funding formulas that would significantly impact the counties' ability to continue to fund local services.
- FTA 3. The Florida Association of Counties supports tax reform measures that simplify administration and provide an economic boost to Florida's taxpayers while at the same time considering and minimizing the collective and cumulative negative impact on local revenues, including state shared and local discretionary revenue sources that are critical to local governments.
- FTA 4. The Florida Association of Counties supports measures that enhance the effectiveness of existing local revenue sources to meet current and future public service demands.
- FTA 5. The Florida Association of Counties supports the comprehensive Payment In Lieu of Taxes programs that offset the impact of lands acquired by Federal, State, or other tax-exempt entities. PILT programs should be funded in a fashion, so as not to diminish the fiscal capacity of small counties. Additionally, the Florida Association of Counties supports the adjustment of PILT payments to accommodate the increased value and/or the valued use of the property by the purchasing entity.
- FTA 6. The Florida Association of Counties recognizes the unique fiscal challenges of Florida's rural counties and state-designated fiscally constrained counties. The Association is dedicated to preserving established programs that provide critical resources for essential programs and infrastructure needs of these counties.



### Economic Development

*Economic prosperity depends on communities with dependable basic services, but also where the quality of life encourages businesses and individuals to flourish. Maintaining and enhancing the standards that Floridians expect and deserve will require more innovative cooperation between the public and private sectors. Therefore, counties need flexible tools to develop economic strategies that target local strengths, enhance and expand employment opportunities, and maintain adequate infrastructure.*

- FTA 7. The Florida Association of Counties supports measures that empower local governments and provides resources to work with community partners towards the creation of quality jobs, more vibrant Florida communities, as well as an enhanced level of national and global competitiveness.
- FTA 8. The Florida Association of Counties supports legislation and appropriation that enhances the efficiency and effectiveness of the state and local government partnership in economic development through the greater use of targeted strategic investments in infrastructure and programmatic enhancements designed to induce sustainable economic activity resulting in a consistent positive return on investment for both state and local governments.
- FTA 9. The Florida Association of Counties supports state and local policies, programs, and funding mechanisms that not only preserve, but enhance as well, the Florida tourism **and film** industries.
- FTA 10. The Florida Association of Counties supports enhancing programs to increase funding for rural infrastructure, job growth, and workforce development policies **and efforts to reduce the digital divide and expand internet access to underserved areas through industry partnerships and collaboration with local stakeholders .**
- FTA 11. The Florida Association of Counties supports enhancing the ability for Rural Areas of Opportunity (RAOs) to advance local rural economic development initiatives through allocation of additional resources.

### Administration

*The power to administer county government can be found in the State Constitution and the Florida Statutes. However, the system of shared governance between the state and counties, and its political subdivisions, is critical to the successful administration of local services in the most efficient and effective manner. Decisions regarding statewide administrative policy must*





*accurately reflect the ability of the state and counties to utilize resources in an optimal manner to provide and produce essential public services.*

FTA 12. The Florida Association of Counties supports that policies related to retirement, workers' compensation and other administrative systems be based on sound and accurate data analyzed with consideration for state and local fiscal impact, fairness and accessibility for state and local employees, as well as, predictability and stability relative to market forces for the long-term effective management of state and local financial plans.

FTA 13. The Florida Association of Counties supports policies that enable local governments to comply with public notice and legal advertisements requirements through the application of various available mediums of technology to achieve an ideal balance between fiscal efficiency and public effectiveness.

FTA 14. The Florida Association of Counties supports policies which allow for competitive and efficient procurement procedures in order to streamline the development process for county projects.

#### Accountability and Transparency

*The foundation of a strong democracy is a public that is educated and informed about the decisions of its government. Accessible and accountable county governments are more responsive to the needs of their citizens and result in more engaged and satisfied constituents. Counties work to uphold the trust of their voters and taxpayers by maintaining open and accessible meetings and records; providing timely, informative, and accurate public information; and adhering to the highest standards of administrative and fiscal transparency.*

FTA 15. The Florida Association of Counties supports policies that promote ethical standards for public officials that are fiscally reasonable, consistent throughout all levels of government, and that do not inhibit the efficient and effective administration of local services

FTA 16. The Florida Association of Counties supports policies that promote access to public records in a manner that is not frivolous; that upholds fiscal responsibility; that does not prevent the efficient and effective administration of local services; and allows for exemptions to protect the safety and security of individuals providing or receiving critical public services.



- FTA 17. The Florida Association of Counties supports policies that promote the provision of accurate and accessible administrative and fiscal public information in a manner that is fiscally responsible, publicly comprehensible, technologically efficient, and that does not constrain the effective administration of local services.
- FTA 18. The Florida Association of Counties is dedicated to preserving, when at all possible, the link between the programs and services provided by counties with the decisions related to the funding for these programs and services, in an effort to maximize the manner and source of accountability of public officials to the citizenry.

#### Intergovernmental Relations

*Florida's elected county commissioners are ultimately answerable to their voters for the provision of programs and services and associated funding decisions. Since Florida's citizens conferred home rule power to counties with the ratification of the 1968 Constitution. County officials have been dedicated to the preservation of democratic principles, specifically that the government closest to the people is the appropriate authority to serve the needs and requirements of the community. County governments reflect the communities that they serve and, particularly in a state as large and diverse as Florida, the needs and values of these communities vary widely between counties.*

- FTA 19. The Florida Association of Counties is dedicated to maintaining the integrity of county home rule power which allows counties to develop and implement community-based solutions to local problems, without State limitations or mandates.
- FTA 20. The Florida Association of Counties opposes any state or federal unfunded mandates and preemptions that ultimately limit the ability of local elected officials to make fiscal and public policy decisions for the citizens to whom they are accountable.
- FTA 21. The Florida Association of Counties support the establishment of an agreed upon course of action whereby state and county elected officials deliberatively evaluate the appropriate funding and delivery of intergovernmental service responsibilities between counties and the state.
- FTA 22. The Florida Association of Counties recognizes that the statewide regulation of certain sectors may not be inconsistent with the principles of self-governance, to the extent that the state regulations do not hamper the counties' ability to regulate and control county facilities and to maintain minimal safety, aesthetic, and environmental standards.



- FTA 23. The Florida Association of Counties opposes the dilution of decision-making ability of local county commissioners/councilmembers with regard to the funding of the local duties of other constitutionally proscribed county officers.
- FTA 24. The Florida Association of Counties supports the provision of adequate state funding for constitutionally proscribed county officers that are required to perform duties on behalf of the state.
- FTA 25. The Florida Association of Counties opposes the use of local revenue sources to fund the state's judicial responsibilities.

## **2018 FAC LEGISLATIVE CONFERENCE**



## **FTA-PP-1: Communications Service Tax**

### **Committee Recommendation:** Adopt

**Proposed Policy:** **SUPPORT** modernizing the Communications Service Tax in a manner that is: revenue neutral; that simplifies administration and collection of the tax; provides for a broad and equitable tax base; provides for enhanced stability and reliability; provides the opportunity for market-based application.

**Issue Summary:** The Communications Services Tax (CST) was implemented in 2001 and intended to apply to all forms of communications services without respect to type of business or method of delivery service used. In 2017, the Florida Legislature considered a bill that would exempt streaming video, which includes services such as Netflix, Hulu, and Amazon Prime, from the CST. This would result in an erosion of the tax base over time and would lead consumers choice based on tax considerations rather than product preferences.

**Background:** The Communications Services Tax (CST) is applied to telecommunications services including voice, data, audio, video, or any other information or signals transmitted by any medium. Services subject to the tax include local and long distance telephone service, video streaming, direct-to-home satellite, mobile communications, pager and beeper, facsimiles, telex, telegram, and teletype.

The tax is imposed on retail sales of communications services which originate and terminate in the state, or which originate and terminate in the state and are billed to an address within the state. The CST has both a local and state component. The total state rate on communications services, except direct-to-home satellite service, is 7.44 percent. Direct-to-home satellite service is taxed at a total rate of 11.44%. Counties and cities may opt to add between 1.6 percent and 5.220 percent depending on whether the county is a charter county or whether permit fees have been levied. Additionally, any local option sales tax that has been added by a county or school board pursuant to s. 212.055, F.S. is also imposed as a local CST.

The tax revenues generated from the local CST are distributed to the appropriate jurisdiction for use for any public purpose, including repayment of current or future bonded indebtedness. Any revenue raised from a local option sales tax must be used for the same purpose as the underlying local option sales tax.

The Communications Services Tax (CST) is applied to all forms of telecommunications services including video and video services through any “medium or method now in existence or hereafter



devised.”<sup>1</sup> The tax was intended to apply to cable and satellite video services and is applied to on-demand and streaming services offered as part of a cable or satellite subscription.

The Communications Services Tax Simplification Law was created by the Florida Legislature in 2000 in an effort to “provide a fair, efficient, and uniform method for taxing communications sold in this state.” Chapter 2000-260, Laws of Florida combined seven different types of communications taxes and fees into a two-tiered tax composed of a state tax and local option tax on communications services. The new tax combined the sales tax on communications services, the local public services tax, and local franchise fees on telecommunications companies and cable companies, and allocated the gross receipts tax on communications services. It also provided an option for local governments to continue to charge a permit fee or adopt a higher CST rate.

In s. 202.105 F.S. “Legislative findings and intent,” the Legislature found that the new tax structure would have numerous benefits for the public and the communications industry:

- The chapter would promote increased competition by creating a competitively neutral tax policy that will free consumers to choose a provider based on tax-neutral considerations;
- It would encourage new competition by simplifying the “extremely complicated” system of state and local taxes and fees. This, in turn, would lower the cost of collecting the taxes and fees, increase service availability, and place downward pressure on price;
- The CST would foster industry growth by restructuring separate taxes and fees into a revenue-neutral tax that is centrally administered by the Department of Revenue.

In 2017, the Florida Supreme Court resolved long-running litigation regarding the differential tax rates between cable services and satellite services. The Court upheld the CST’s differential rate by determining that both services were similarly situated interstate businesses and, therefore, the dormant Commerce Clause prohibition against state discrimination on behalf of an in-state interest was not violated.<sup>2</sup>

### **Analysis:**

Since its initial implementation, efforts have been made to further reform the CST. In 2012, the Florida Legislature created a working group to study the tax and determine whether Florida’s

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<sup>1</sup> Section 202.11(1)

<sup>2</sup> Florida Dep’t of Revenue, et al v. DIRECTTV, INC., etc., No. SC15-1249 (Fl. Sup. Ct. 2017)



communication tax laws were equitable and whether the administration was overly burdensome, including whether the laws were clear to communications service providers, retailers, customers, local government entities, and state administrators.

The working group reviewed several options but ultimately recommended repealing the CST and taxing communications services under an increased sales and use tax under Chapter 212, Florida Statutes. This would allow the tax base to include a broader range of communications services that would be taxed at the same state and local rates as other taxable goods and services. The proposal would also streamline the administrative system by allowing the DOR to administer the tax under the existing sales and use tax structure instead of the current administration of the CST as a stand-alone tax. However, to keep the proposal revenue neutral, and compensate for the higher current CST rate, the DOR Office of Tax Research estimated that the state sales and use tax rate would have to be adjusted from 6 percent to 6.34 percent (based on 2012 CST revenue estimates and the sales and use taxes).<sup>3</sup> Though the report was submitted to the Governor and some legislative changes were considered, no action has been taken to reform the CST.

The CST is an important source of revenue for both State and Local governments and legislative action is needed to improve certain facts of the revenue stream to ensure long-term viability as technology continues to change. The final form of this modernization effort may take one of several forms, but the resulting structure should reform the Communications Service Tax in a manner that is: revenue neutral; that simplifies administration and collection of the tax; provides for a broad and equitable tax base; provides for enhanced stability and reliability; provides the opportunity for market-based application.

**Fiscal Impact:** Revenue and distribution info

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<sup>3</sup> Communications Services Tax Working Group Report



## **FTA-PP-2: Modification of RAO Administrative Grant Funding**

**Committee Recommendation:** Adopt

**Policy Statement:**

FAC **SUPPORTS** reducing the match requirement from 100% to 50% for the Regional Rural Development Grants Program and increasing the appropriation from \$150,000 to \$250,000 for each of the three Rural Areas of Opportunity (RAO) designated by Governor's Executive Order 16-150.

**Issue Summary:**

The current program requires a full and complete match of dollars requested. Reimbursement is provided as each deliverable is completed. The recommended action is to reduce the match requirement from 100% to 50% for this grant program (Florida Statute 288.018) and increase the appropriation from \$150,000 to \$250,000 for each of the three Rural Areas of Opportunity (RAO) designated by Governor's Executive Order

**Background:**

S. 288.018 creates the Regional Rural Development Grants Program to provide funding, through matching grants, to regionally based economic development organizations representing rural counties and communities to provide technical assistance to businesses in the community and build the professional capacity of the RAOs. The RAOs are areas designated by the Governor that have been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or the presents a unique economic development opportunity of regional impact. Executive Order 16-150 designates three rural areas of opportunity based on the recommendations of the Rural Economic Development Initiative, pursuant to s.288.0656(7). Each RAO is served by a regional economic development organization which includes Opportunity Florida (serving nine counties in Northwest Florida); Florida's Heartland Economic Region of Opportunity (serving 6 counties in South Central Florida) and the North Florida Economic Development Partnership (serving 14 counties in North Central Florida). These public/private 501c(6) organizations provide economic development support to the local governments and businesses within the area designated for each RAO. As increased opportunities have come available for rural Florida counties, having the necessary funds to attract new businesses, grow existing businesses, improved the physical infrastructure and cultivate a strong and innovative workforce is paramount to the success of these organizations.

**Analysis:**

As increased opportunities have come available for rural Florida counties, having the necessary funds to attract new businesses, grow existing businesses, improved the physical infrastructure and cultivate a strong and innovative workforce is paramount to their success. This rural





development grant program provides critical funding to enable a range of technical assistance, marketing, leadership capacity building and education services for rural counties within these RAOs. The three RAOs are responsible for providing, facilitating and coordinating these services on behalf of the counties within their respective regions. Without the appropriate funding to meet today's challenges, rural Florida counties will continue to struggle in their efforts to bring quality jobs to their respective communities.

**Fiscal Impact:**

Each RAO continues to struggle to meet the needs of their respective communities based on limited funding. It is always difficult to generate local and private match dollars to maximize the use of this grant program, but with the increase appropriation and the reduction in the match, each RAO would have a 17% decrease in the total amount of matching dollars required. However, additional dollars would be available to invest in the required infrastructure, meeting the demands that continue to expand as rural Florida grows.

	Current	Proposed
Total State Appropriation	\$450k	\$750k
State allocation to each RAO	\$150k	\$250k
Local match per RAO	\$150k	\$125k
Total funding per RAO	\$300k	\$450k



### **FTA-PP-3: Rural Infrastructure Fund Appropriation Modification**

**Committee Recommendation:** Adopt

**Proposed Policy:** FAC supports increasing the annual appropriation for the Rural Infrastructure Fund to \$10 million annually.

**Issue Summary:**

The Rural Infrastructure Fund's (RIF) sole purpose is to facilitate the planning, preparing and financing of traditional economic development infrastructure projects within Florida's rural counties. Rural communities reap the benefit from increase job creation and capital investment for various infrastructure needs in their respective communities. Currently, the fund has an appropriation of \$1.6M annually. The request is to increase the appropriation to \$10M

**Background:**

This grant provides funds for critical infrastructure and site development needed for economic development projects in rural Florida counties. It offers flexibility for many types of infrastructure (e.g., transportation improvements, water and wastewater facilities, utility transmission lines, etc.) needed to attract and support companies to locate or expand in rural counties. The current funding of \$1.6 million is woefully inadequate to cover the growing needs and demands of the over 30 rural Florida counties.

**Analysis:**

Over the last few years, primarily due to the limited fund amount only a few projects have been awarded monies. Rural Florida is experiencing rapid growth and the need to have additional monies placed in this fund is essential. For instance, \$1.6M was awarded to only to 1 RAO and 1 county within the RAO in the 2016-2017 fiscal year.

**Fiscal Impact:**

The fiscal impact to the RAOs is significant. With over 30 counties within the three RAOs, \$1.6M is not adequate given the current growth being experienced in each RAO. By providing additional resources to the RIF will allow for additional grant funds to be available to the RAOs allowing them to expand their current infrastructural needs to meet growth demands



## **FTA-PP-4: Brownfield Act**

**Committee Recommendation:** Adopt

**Proposed Policy:** FAC **SUPPORTS** creating clear guidance for the award of a brownfield designation and the local authority to decline to award the determination if the site does not meet the statutory criteria.

**Issue Summary:** Florida's Brownfields ...However, language in statute appears to require the award of brownfield funding based on the "actual or perceived environmental contamination" without appropriate evidence and that the site is appropriate for designation.

### **Background:**

There were two recent brownfield area designation applications submitted after site work was completed and no contaminants were reported to the DEP during construction activities. This should have eliminated the "actual or perceived environmental contamination" clause in the Brownfield Site definition, Section 79(4); thus eliminating a Brownfield Area designation because a Site does not exist. There was also one brownfield application and subsequent designation where a lot of concerns were brought forth by adjacent property owners; however, their concerns could not be considered based on how the Statue is currently written.

### **Analysis:**

1. Timing of applications - There is currently no time limit specified by which an applicant must submit an application for designation as a brownfield area. At this point applications could be received after development has occurred. The brownfield legislation is meant to encourage rehabilitation and redevelopment, not only to provide incentives after or very late in redevelopment the process.
2. Brownfield Site Rehabilitation Agreements (BSRA) - incentives are available without a BSRA.
3. Public Input – F.S. 376.80(1)(c).4.a ("neighborhood residents' concerns, and other relevant local concerns"). This paragraph requires public input on issues that are not considered as part of the five criteria for designation outlines in F.S. 376.80(2)(c). It is not clear how a local government can take public concerns into consideration when determining whether or not to designate a brownfield area.
4. Language change - F.S. 376.80(1)(a) – "The local government with jurisdiction over a proposed brownfield area shall designate such area pursuant to this section." This language is too restrictive, "shall" to be changed to "may".
5. Perceived contamination – There is an issue relating to Section F.S. 376.79. There is no definition for perceived contamination which in turn does not define when the application of perception is no longer applicable during redevelopment.



County Policy Proposal  
**Submitted by:** Orange County  
**Contact:** [Kelley.Teague@ocfl.net](mailto:Kelley.Teague@ocfl.net)

The aforementioned items leave the program and appropriated state funds vulnerable to use for developments outside the scope of the original legislative intent. Section 80(2)(c) **requires** municipalities to grant brownfield area designations to **any** applicant meeting the criteria without offering clear guidance for the determination of worthy or appropriate recipients of the designation.

**Fiscal Impact:**

These changes would allow a more targeted application for the appropriated funds.



## **FTA-PP-5: Public Records-Emergency Management**

**Committee Recommendation:** Adopt

**Proposed Policy:** FAC **SUPPORTS** legislation offering public records exemptions to counties which benefit the county's ability to provide and administer services to citizens.

### **Issue Summary:**

Palm Beach County is seeking FAC's support for a bill amending s. 119.071(1), F.S., providing an exemption for individual assessment data provided by individuals to emergency management agencies for the purpose of damage assessment, as well as, amending s. 252.355(4) providing an exemption for information revealing the identity of persons registering for emergency sheltering with a local emergency management agency.

### **Background:**

The Hurricane Matthew threat to Florida resulted in several lessons learned: 1) During the 11-year drought of land-falling hurricanes, several emergency management agencies in Florida developed new/improved damage assessment technologies to hasten the availability of damage reports to local EOCs. Examples of the improved technology include web-based reporting systems, as well as, apps that can be placed on smart phones that citizens can use to report damage to their property or neighborhood. Shortly after Matthew, several Florida emergency management agencies received public records requests from attorneys for their damage assessment data, including names, addresses, telephone numbers, and e-mail addresses. We feel these requests were for marketing purposes. We feel that efforts to exploit victims of a disaster should be restricted, hence the exemption to s. 119.071(1), F.S. 2) Another issue that appeared during Matthew was a direct result of the trend of declining volunteerism in the nation. The American Red Cross and other volunteer agencies were unable to completely fulfill their role by fully staffing requisite shelters of Florida counties. As such, several counties worked with their employees to step up and fill the shelter staffing gap. Discussions with the American Red Cross and other volunteer agencies has led several counties, including Palm Beach County, to assume the management of sheltering with the American Red Cross assuming a support role. Previously, the American Red Cross served as the lead agency. When the American Red Cross served as lead, they were able, by their Congressional Charter, to limit access to their client registration records. Now that county agencies are assuming the lead role for sheltering, that protection has been lost. Here again, we feel that efforts to exploit victims of a disaster should be restricted, hence the need for an exemption to s. 2523.34(6) F.S.

### **Analysis:**



County Policy Proposal  
**Submitted by:** Palm Beach County  
**Contact:** [wjohnson@pbcgov.org](mailto:wjohnson@pbcgov.org)

Palm Beach County feels that exempting personal identification information related to damage assessment and sheltering is an important protection for disaster victims. These issues were raised at a recent meeting of the Florida Emergency Preparedness Association (FEPA), and several emergency management directors spoke of similar public records requests, as well as, in support of legislation to protect our citizens from harassment and high-pressure sales tactics in the aftermath of a devastating disaster.

**Fiscal Impact:**

There should be no fiscal impact, other than the potential savings of staff time due to the elimination of the need to respond to relevant public records requests.



County Policy Proposal  
Submitted by: Broward County  
Contact: [dewest@broward.org](mailto:dewest@broward.org)

## **FTA-PP-6: Article V Funding**

**Committee Recommendation:** Adopt

**Proposed Policy:** FAC **SUPPORTS** legislation allowing counties more flexibility in the use of funds generated by the discretionary \$65.00 cost on criminal and traffic cases provided in Section 939.185, F.S. and legislation deleting the requirement that counties must increase Article V expenditures 1.5% over the previous year's expenditures.

**Issue Summary:**

Advances in technology have outpaced revenues for mandated court technology resources and funding priorities must be reexamined as advances move forward. Therefore, Broward County is seeking FAC's support for a bill amending Section 939.185, F.S. providing for more flexibility of a county to spend Article V judiciary funds to fund the technology needs of state trial courts, State Attorney Offices, Public Defenders Offices and Guardian Ad Litem Offices. Specifically, Broward County is seeking FAC's support of legislation which would allow counties more flexibility in the use of funds generated by the discretionary \$65.00 cost on criminal and traffic cases provided in Section 939.185, F.S..



## **FTA-PP-7: Consultants' Competitive Negotiation**

**Committee Recommendation:** Incorporated into Guiding Principles

### **Issue Summary:**

Support increasing continuing contract limits under Consultants' Competitive Negotiation Act Legislation that would increase the continuing contract allowable limits to \$2.5 million in construction costs from \$2 million would streamline the development process for more projects.

### **Background:**

Florida Statute 287.055 provides that a “continuing contract” is a contract for professional services whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed \$2 million, and for study activity if the fee for professional services for each individual study under the contract does not exceed \$200,000. Firms providing professional services under continuing contracts are not required to bid against one another.

### **Analysis:**

These limits for continuing contracts have been in place since 2009. Construction costs have significantly increased since that time, reducing the number of projects allowed without requiring a full bid process. Consultant fees are averaging approximately 8% of the total project, which translates to a \$200,000 consultant fee for a \$2.5 million project. The bidding of projects increases the time and money required to complete the development. Construction costs expected to be within these limits sometime exceed them, triggering a bidding process midstream, which jeopardizes the integrity of the project. Raising the continuing contract limits to \$2.5 million in construction costs would bring the consultant fees and construction costs more in line with current costs. The ability to utilize a continuing contract for a higher valued construction project would reduce the number of projects that require the full bidding process. This would speed the time required to complete development and reduce the overall costs.

### **Fiscal Impact:**

N/A



# **APPENDIX**

## **2018 FAC LEGISLATIVE CONFERENCE**

## FAC'S POLICY DEVELOPMENT PROCESS

The core mission of the Florida Association of Counties (FAC) is to help counties effectively serve and represent Floridians by strengthening and preserving county home rule through advocacy, education and collaboration. FAC provides county officials with an array of legislative activities to carry out this mission.

### FAC's Policy Development Process

The Florida Association of Counties has a deliberative, consensus building policy development process. The goal is to solicit and develop policy proposals and guiding principles on legislative issues affecting county government. Through participation in four standing legislative policy committees, and two caucuses, county officials identify, discuss, and ultimately vote on issues to be in FAC's Legislative Program. The four standing legislative policy committees include the following:

#### Finance, Tax and Administration (FTA)

The **FTA** committee primarily focuses on issues related to taxation, local revenue, state shared revenue, economic development, local fiscal administration, local administrative and management issues, and intergovernmental relations (constitutional officers).

#### Growth Management, Agriculture, Transportation & Environmental (GATE)

The **GATE** committee primarily focuses on issues related to Development, Planning and Zoning, Affordable Housing, State and Regional Transportation. Water Quantity and Water Quality, and Utilities and Energy.

#### Health and Safety (HS)

The **HS** committee primarily focuses on issues related to Behavioral and Mental Health, Healthcare and Human Services Funding and Policy, Emergency Medical Services, Law Enforcement and Corrections, and Emergency Management.

#### Federal Policy Committee

FAC maintains and facilitates a **Federal Policy Committee** to address similar policy issues encountered at the state level but that are initiated at the federal level.

Each policy committee includes one presidentially appointed Chair and Vice Chair, and several presidentially appointed Policy Leaders. These roles collectively serve as the Committee Leadership for the respective policy committees.

FAC policy committees are referred to as "committees of the whole," meaning that committee participation, as well as voting, is open to any interested county commissioner who is in attendance at the policy committee meetings that take place during conference. County staff persons are encouraged to participate in discussion and provide input, but are not permitted to vote.

Each policy committee has one FAC staff point person, who will coordinate Committee Leadership calls, policy committee meetings, and provide education on issues within the committee's purview.

### **FAC Policy Proposals**

Policy proposals are single-purpose statements addressing a specific and relevant issue or piece of legislation. Submitted proposals must address an issue of statewide, regional, or significant and widespread impact and cannot promote individual county or project appropriations. Individual counties or commissioners, or FAC were permitted to submit policy proposals during the summer of 2017.

### **FAC's Guiding Principles**

FAC's guiding principles have been revised and re-purposed to serve as the association's long-term platform. This platform will serve to provide ongoing direction and guidance to members and staff with regard to advocacy on multiple issues over a prolonged period of time. Thereby allowing FAC to focus its annual workplan on more short-term and immediate actions and priorities.

### **Pre-Policy Conference - Summer 2017**

County Commissioners, statewide, were invited to submit statements and/or issues addressing a specific issue or piece of legislation. These submissions were vetted by staff to make sure that the proposals addressed an issue of statewide, regional, or significant and widespread impact. Staff made recommendations to each policy committee with regard to the disposition of each submittal. In turn, each policy committee debated the merits of all proposals and made recommendations on their disposition to be considered at FAC's 2017 Policy Conference in Osceola County, Florida.

### **Policy Conference - September 2017**

During the 2017 Policy Conference, each committee held an open meeting to review and debate policy proposals within their respective jurisdiction. The meetings were open to the general membership of FAC and each proposal was voted upon by all commissioners. Proposals were either tentatively adopted, deferred for further discussion at the 2017 Legislative Conference in Sarasota, Florida, or not adopted.

FAC staff proposed a new set of guiding principles to be considered by the general membership of the association. The guiding principles, as proposed by staff, represent a long-term plan of issues that the association will advocate on for on behalf of its membership. The guiding principles were tentatively adopted and then submitted to the entire membership for a three-week period in October for comments and proposed revisions.

### **Legislative Conference - November 2017**

During the 2017 FAC Legislative Conference the general membership of FAC will be able to discuss, debate and vote on the final 2018 Legislative action plan and guiding principles for the association.

**Legislative Executive Committee (LEC) - 2018 Legislative Session**

The LEC is comprised of the following members: the FAC Executive Committee; the Chairs and Vice Chairs of each policy committee; and the Chairs and Vice Chairs of the Rural and Urban Caucuses. During the course of the legislative session, the LEC meets weekly via conference call and is responsible for any revision, modification, deletion or addition to the policy statements adopted by the membership, and may make interim policy decisions as needed.

## 2017-2018 FAC POLICY AND CAUCUS CHAIRS, VICE CHAIRS, & POLICY LEADERS

### Finance, Tax & Administration

Laura Youmans, Staff

Brian Sullivan, Staff

#### **Chip LaMarca, Broward County, Chair**

#### **Carolyn Ketchel, Okaloosa County, Vice-Chair**

Jack Richie, Highlands County, Policy Leader

Carl Zalak, Marion County, Policy Leader

Scott Carnahan, Citrus County, Policy Leader

Nancy Detert, Sarasota County, Policy Leader

Ralph Thomas, Wakulla County, Policy Leader

Donald O'Brien, Flagler County, Policy Leader

Charles Smith, Manatee County, Policy Leader

Linda Bartz, St. Lucie County, Policy Leader

Betsy Vanderley, Orange County, Policy Leader

Mack Bernard, Palm Beach County, Policy Leader

Kelly Owens, Okeechobee County, Policy Leader

Peggy Choudhry, Osceola County, Policy Leader

Susan Adams, Indian River, Policy Leader

### Growth, Agriculture, Transportation & Environment

Susan Harbin, Staff

#### **Lee Constantine, Seminole County, Chair**

#### **Daniella Levine Cava, M-Dade County, Vice-Chair**

Peter O'Bryan, Indian River County, Policy Leader

John Meeks, Levy County, Policy Leader

Terry Burroughs, Okeechobee County, Policy Leader

Charles Chestnut, Alachua County, Policy Leader

Weston Pryor, Glades County, Policy Leader

Bill Truex, Charlotte County, Policy Leader

Janet Long, Pinellas County, Policy Leader

Emily Bonilla, Orange County, Policy Leader

Timothy Sullivan, Lake County, Policy Leader

Cathy Townsend, St. Lucie County, Policy Leader

Ronald Kitchen, Citrus County, Policy Leader

Jim Barfield, Brevard County, Policy Leader

Alan Maio, Sarasota County, Policy Leader

### Health, Human Services & Public Safety

Robert Brown, Staff

#### **Sally Heyman, Miami-Dade County, Chair**

#### **Rob Williamson, Santa Rosa County, Vice-Chair**

John Hall, Polk County, Policy Leader

Lee Pinkoson, Alachua County, Policy Leader

Brandon Arrington, Osceola County, Policy Leader

Michael Swindle, Hendry County, Policy Leader

Stacy White, Hillsborough County, Policy Leader

Charles Hines, Sarasota County, Policy Leader

Heather Post, Volusia County, Policy Leader

William Chapman, Walton County, Policy Leader

### Federal Committee

Eric Poole, Staff

#### **Heather Carruthers, Monroe County, Chair**

#### **Tod Mowery, St. Lucie County, Vice-Chair**

Bill Truex, Charlotte County, Policy Leader

Brian Hamman, Lee County, Policy Leader

Rob Williamson, Santa Rosa County, Policy Leader

Doug Smith, Martin County, Policy Leader

Michael Moran, Sarasota County, Policy Leader

Barbara Sharief, Broward County, Policy Leader

Carl Zalak, Marion County, Policy Leader

Sean Parks, Lake County, Policy Leader

Charlie Justice, Pinellas County, Policy Leader

Kathryn Starkey, Pasco County, Policy Leader

Cheryl Sanders, Franklin County, Policy Leader

John Meeks, Levy County, Policy Leader

Ralph Thomas, Wakulla County, Policy Leader

### Rural Caucus

Laura Youmans, Staff

#### **Cheryl Sanders, Franklin County, Chair**

#### **Larry Harvey, Putnam County, Vice-Chair**

Weston Pryor, Glades County, Policy Leader

Terry Burroughs, Okeechobee County, Policy Leader

John Meeks, Levy County, Policy Leader

James Brooks, Highlands County, Policy Leader

Brenda Holt, Gadsden County, Policy Leader

### Urban Caucus

Robert Brown, Staff

#### **Matthew Schellenberg, Duval County, Chair**

#### **Mary Lou Berger, Palm Beach County, Vice-Chair**

Audrey Edmonson, M-Dade County, Policy Leader

Pete Clarke, Orange County, Policy Leader

Janet Long, Pinellas County, Policy Leader

Les Miller, Hillsborough County, Policy Leader

Charlie Justice, Pinellas County, Policy Leader

