



BOARD OF COUNTY COMMISSIONERS

2012

***FEDERAL
LEGISLATIVE
PROGRAM***

112th Congress 2nd Session



BOARD OF COUNTY COMMISSIONERS

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The Federal Legislative Program, created annually, represents the Board's goals and objectives and offers direction regarding federal advocacy. The Program is comprised of three areas: the *Fundamental Principles*, which are the general guiding policy positions of the Board; the *Appropriations Requests*, which are specific projects requesting federal funding; and the *Legislative Proposals*, which are legislative issues the Board supports or opposes.

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FUNDAMENTAL PRINCIPLES ECONOMIC DEVELOPMENT AND TRADE

A major goal of Broward County government is to encourage economic development to promote a full range of high wage/high skilled employment, business and housing opportunities, which lead to improving the economy, creating jobs, increasing the tax base, and encouraging diversity. The Board supports policies to enhance economic development utilizing various tools to induce business expansion, new capital investment and job creation. In addition, the present downturn in the nation's economic activity, which has resulted in substantial job losses and declining revenues, requires the federal government's immediate attention. The Board supports the Administration and Congress' efforts to stimulate the economy by creating a public infrastructure works program and providing funds to local governments for projects designed to provide employment while accomplishing necessary infrastructure improvements.

The Board supports the County's evolution into a global center for trade and investment. The Board further supports legislation that promotes and enhances the growth of foreign direct investment, trade, travel and tourism as facilitated by its Office of Economic Development, Convention & Visitors Bureau, Port Everglades Department and Aviation Department (Fort Lauderdale-Hollywood International Airport). The Board also supports programs and efforts providing capital formation for small and emerging businesses, the expansion and creation of enterprise zones, and commercial revitalization projects that help to enhance redevelopment in all distressed areas of the County. The Board opposes legislation that results in a disadvantage for economic development, in general, and tourism, seaport, aviation, and transportation, specifically, if such legislation impedes the County's ability to make competitive business decisions. The Board supports efforts to make credit available to small businesses and individuals to stimulate economic recovery.

FREE TRADE AGREEMENTS

The Board supports the establishment of a Free Trade Agreement of the Americas (FTAA) along with the relocation of the Permanent Secretary of the FTAA to Miami. The Board opposes any statements or actions expressed in FTAs that would pre-empt local regulatory laws and policies, or that negatively affect Broward County residents.

FORECLOSURE ASSISTANCE/AFFORDABLE HOUSING

The Board supports additional federal efforts to provide assistance to home owners who have fallen behind on mortgage payments and face foreclosure of their homes. The Board supports legislation that requires mortgagors to foreclose in a timely manner and holds them responsible for paying any homeowner or condominium association fees or special assessments on reverted properties. Further, the Board urges Congress to require that mortgagors, when filing a *lis pendens* to initiate the foreclosure process, provide contact information of an individual with the authority to negotiate the terms of the loan. Lenders should be mandated to comply with this type of "anti run-around" notice, and include on any correspondence related to the loan, a name, address, and phone number of an employee who will work with owners seeking to modify delinquent loans.

The Board supports federal efforts to expand affordable housing initiatives, including increased funding for the Section 8 Housing Program and overall Housing Authority resources, The Board seeks legislation

to lift or increase the present 4 percent and 9 percent cap on Housing Tax Credits, used to raise equity for affordable housing development, and to provide a direct allocation of tax credit/bond resources to Local Housing Finance Authorities.

The Board also supports legislation that would maintain or increase current levels of the Community Development Block Grant Program (CDBG), which contributes to affordable housing infrastructure, public services and economic development for low to moderate income residents, and also maintaining and increasing current levels of funding in the Home Investment Partnership Program (HOME), to continue our partnerships to assist lower income residents in our community for safe and sanitary rental or home ownership. The Board also supports the "30/30 Plan," which provides that existing housing funds should have a greater amount (30 percent) targeted for persons at or below 30 percent of median income. The Board also supports legislation which would give employers the option of offering financial homebuyer benefits, much like dental or medical benefits, for housing costs of all types. Employers would be eligible for a tax credit as a participation incentive.

INDUSTRIAL DEVELOPMENT BONDS

The Board supports the expansion of the industrial development bonds law to allow Federal Home Loan Banks to offer letters of credit to private developers in order to utilize bonds, with the local government acting as a conduit, to encourage municipal-sponsored community development projects such as affordable housing.

ENVIRONMENT AND ENERGY / CLIMATE CHANGE

AIR QUALITY

Clean air is an essential natural resource that is important to public health, our environment, and our economy. The Board supports strong air quality policies and strict adherence to the intent and spirit of the Clean Air Act, especially legislation or other initiatives to promote clean fuel alternatives, and encourage more stringent vehicle emission standards. The County concurs with the Environmental Protection Agency's finding for emissions of greenhouse gases and supports Clean Air Act authority in addressing global climate change. The County supports increased federal funding necessary to address critically important air quality issues and to support outreach and compliance programs for new regulatory initiatives.

The Board opposes any weakening of established federal and state air quality standards including the reinterpretation or any modifications to Clean Air Act regulations and programs, or a decrease in current funding that would undermine implementation of current air quality laws.

BEACHES

Florida's beaches are a critical part of the state's travel and tourism industry, creating jobs and local, state, and federal tax revenues. Beaches are also the first line of defense against hurricane and storm surge threats to life and property. Estimates are that more than one-third of Florida's 787 miles of beaches are in a state of critical erosion. With the prospect of accelerated sea level rise due to global climate change, it is vital that adaptation measures include restoring and enhancing beaches to protect

properties and infrastructure, to maintain property values. The Board supports a dedicated source of federal funding for the nation's valuable beaches.

Beach nourishment and shore protection programs continue to occupy a low priority for funding by the executive branch of the federal government. Broward County beach projects are historically reimbursable; however, there is concern that federal funding for current and future projects may be in jeopardy.

Future implementation of the County's Beach Management Plan may include acquisition of non-domestic beach-quality material due to diminishing local offshore sand supplies and heightened restrictions on dredging near coral reefs. The Board supports lifting the statutory restrictions on the use of federal funds for the acquisition of Bahamian or other non-domestic sand for beach renourishment.

The Board urges Congress and the Administration to:

- Prioritize beach-related reimbursement and direct funding.
- Recognize and acknowledge the high value of beaches and the need to replenish beaches when necessary, particularly in the context of adaptation to accelerated rates of sea level rise.
- Streamline and simplify the regulatory requirements that stem from overlapping jurisdictions of federal agencies in the coastal zone.
- Apportion costs among the federal government and other beach nourishment project participants consistent with the actual economic and environmental benefits that beaches provide to those participants.

CLIMATE CHANGE/ENERGY

The Board has long recognized that climate change is a real and critical issue for the state of Florida and Broward County and that a warming climate poses significant environmental, public health, and economic threats through sea level rise, increased hurricanes, extreme summer temperatures, and impacts to water supply and resources.

The Board urges Congress and the Administration to enact climate change legislation and other national policies that include mitigation and adaptation strategies which are fundamental to comprehensive climate planning and to adequately fund programs that reduce greenhouse gas emissions; promote energy efficiency and conservation; support energy independence; encourage the development and use of renewable energy resources; and address adaptation planning and implementation strategies. Specifically, the Board supports federal legislation such as H. R. 2738 that establishes a program of awarding grants to water system owners to increase resiliency or adaptability to changes to the hydrologic conditions of a region due to the impacts of climate change. In 2011, the County successfully advocated for changes to Florida law that provide for the identification of areas subject to the impacts of climate change, Adaptation Action Areas (AAA). H. R. 2738 may provide a funding source for future water system infrastructure projects.

Additionally, the Board supports:

- Funding for the Energy Efficiency and Conservation Block Grant Program, adjustments to the formula for establishing eligibility, and expansion of the program to assist local governments with regional authority to develop and implement regionally coordinated initiatives.
- Funding for the U.S. Department of Energy to fund programs such as the Clean Cities Program, and making such funds available to local governments.

- Funding for the U.S. Environmental Protection Agency to fund programs such as the Climate Showcase Communities Grant Program, the Sustainable Skyline Grant Program, and the Southeast Diesel Collaborative and making such funds available to local governments.

SOUTH FLORIDA REGIONAL CLIMATE CHANGE COMPACT

For the purpose of continued regional collaboration and joint advocacy with the Regional Climate Change Compact Counties of Broward, Palm Beach, Miami-Dade and Monroe, the Board renews support for the 2011 Southeast Florida Regional Climate Change Compact Counties State and Federal Climate Legislative Program and affirms its support for the Compact Counties' 2012 State and Federal Legislative Program, including the following specific provisions:

Infrastructure Investments:

The Board supports federal legislation that would create and fund a national infrastructure bank or other new infrastructure funding source to finance projects needed by state and local governments to adapt to the impacts of climate change and the growing regional needs for improved infrastructure with emphasis on investments in areas such as water management, water supply, transportation and other projects that provide hazard mitigation and serve to reduce risks to urban infrastructure from extreme weather events and rising sea levels.

Adaptation Action Areas:

The Board supports specific recognition of an "*Adaptation Action Area*" through designation in federal legislation for those regions, such as Southeast Florida, that are uniquely vulnerable to climate impacts, including sea level rise, for the purpose of prioritizing funding for infrastructure needs and adaptation planning. This specifically includes support for the inclusion of Adaptation Action Area language with the Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA), enabling at-risk regions to develop long-term plans for adaptation.

Program Funding and Implementation Restrictions:

The Board opposes reductions to critically important and ongoing conservation, public health, and environmental protection efforts through funding limits or program implementation restrictions that would undermine initiatives key to economic growth and job creation; the protection of our Nation's valuable natural resources; and efforts critical to mitigate for, and adapt to, the impacts of a changing climate. This specifically includes provisions inserted into FY 2012 appropriations legislation that preclude agencies from implementing agency policy statements on climate adaptation.

National Climate Service:

The Board supports the creation of a National Climate Service within the National Oceanic and Atmospheric Administration (NOAA) as a means of providing climate-related science and technical products needed by state and local governments to prepare for the potential impacts of global climate change. Additionally, the Board supports adequate funding for the completion of the National Climate Assessment process currently underway under the auspices of the U S Global Change Research Act of 1990, which requires a report to the President and the Congress that evaluates, integrates and interprets the findings of the \$2.6 billion federal research program on global change every four years.

Property Assessed Clean Energy (PACE):

The Board supports federal legislation that furthers local Property Assessed Clean Energy (PACE) efficiency and renewable energy improvements. To ensure regional and national success it is imperative that the Congress pass legislation that removes barriers to PACE and PACE-like programs.

Oil Exploration and Drilling:

The Board opposes oil drilling and exploration in federal waters on Florida's Outer Continental Shelf and within the Everglades.

Everglades Restoration:

The Board supports continued focus on Everglades Restoration as essential component of protecting regional water supply and building regional climate resilience.

Standing positions of the Compact Counties include support for:

- Greater Congressional recognition of adaptation as a critical climate change issue in the development of all legislation and appropriations priorities.
- Federal climate legislation that includes: local government funding; adaptation program and funding; and technical assistance to state and local governments in developing multi-sector mitigation and adaptation plans covering natural systems, human health and the built environment.
- Amending the National Flood Insurance Program (NFIP) of the National Flood Insurance Act of 1968 to provide for the NFIP to make available multi-peril coverage for a national catastrophic insurance fund.
- Continued funding for the Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) Program.
- Funding for weatherization programs provided by the U.S. Department of Energy that work in conjunction with My Safe Florida Home to harden buildings against windstorm impacts.
- Continued funding for the Federal Emergency Management Administration's (FEMA) natural hazard mitigation programs to include mitigation for hazards associated with climate change impacts.
- Funding for federal programs that provide technical assistance for counties to review and revise their comprehensive plans and land development regulations or codes to incorporate climate change mitigation and adaptation planning strategies.

ENVIRONMENTAL PROTECTION

The Board has long recognized the value of strong national policies and programs to protect the nations' environment, specifically the role of key federal agencies to implement national environmental policy. The Board supports the role of these federal agencies to implement provisions of the Clean Air Act, the Clean Water Act and other laws intended to protect the health and safety of the environment and U. S. citizens. The Board supports full funding for these agencies, with emphasis on national air and water programs, through uninterrupted federal government appropriations in FY 2013.

The Board opposes efforts by Congress that would serve to undermine core government functions of the federal agencies to protect public health and the environment. The Board opposes proposals to significantly reduce funding for greenhouse gas (GHG) programs and reduce regulations that will

severely limit actions to permit, control and monitor GHG emissions and block federal efforts to regulate GHG emissions from vehicles and large stationary sources.

Additionally, the Board opposes reductions to critically important conservation programs that protect the nation's natural resource heritage, such as the Florida Everglades, through funding limits or program implementation restrictions.

EVERGLADES RESTORATION

The Comprehensive Everglades Restoration Plan (CERP) provides a framework for restoring the Everglades. This landmark legislation authorizes construction projects and implementation procedures, and establishes a process to ensure that the goals and purposes of the Plan are achieved.

The Board supports restoration of the Everglades and believes that the implementation of the CERP is critical to the future of South Florida and Broward County's environment, economy, water supply, and climate change efforts. The Board has long supported the Broward County Water Preserve Area (WPA) Project, one of the important components of CERP, and urges Congress to move the WPA Project forward in the next available WRDA or other appropriate vehicle.

The Board also acknowledges the critical importance of Everglades' restoration to regional climate change efforts, and that a healthy Everglades will provide one of the largest carbon sinks for South Florida. Moreover, the Board further recognizes that water storage within the Everglades will be important to the preservation of critical water supplies and the abatement of saltwater intrusion into the Biscayne Aquifer, a threat that will increase with rising sea levels. Thus, the Board urges Congress to take any and all actions necessary to fully complete Everglades' Restoration.

OIL DRILLING

As a peninsular state, Florida has a delicately balanced ecological system of aquatic life, wildlife, coral reefs, wetlands, bays, estuaries and marshes. It is widely believed that offshore drilling, and pipeline construction and installation near any Florida shore has the potential to cause significant damage to aquatic resources as well as negatively impact the state's valuable tourist industry and economy.

Spills from offshore oil drilling in the Gulf of Mexico present a risk to Florida's beaches. Due to the presence of the Gulf Stream and offshore loop currents, oil released in the Gulf of Mexico could severely impacts east coast beaches and communities. Over the past years, hurricanes have devastated the state of Florida, the Florida Keys, and Gulf Coast communities and have severely impacted the energy infrastructure in the Gulf of Mexico. If, as expected, the number and intensity of hurricanes and tropical storms increases as a consequence of climate change, additional oil drilling either along the Atlantic Coast or within the Gulf of Mexico near Florida presents an unacceptable risk to Florida's beaches and economic future.

The April 20, 2010, Deepwater Horizon Oil Spill incident, which resulted in 4.9 million barrels of oil (205.8 million gallons) being spilled into the Gulf of Mexico, served to demonstrate the significant environmental and economic risks posed by oil drilling and exploration to the state of Florida.

The County remains opposed to activities, such as oil exploration, that present potential for negative environmental consequences nearshore and offshore of either coast or within the Everglades. The Board

supports preservation of the longstanding moratorium against off-shore oil and gas drilling in waters proximate to the state of Florida.

The County recognizes that reliance on foreign oil poses a problem of having to depend on increasingly unstable governments, and further recognizes the influence of global energy demands. Therefore, the Board strongly supports federal efforts to enhance independence from foreign energy sources. The Board supports long-term solutions to both foreign and domestic oil dependence such as reducing the total demand for energy through conservation, energy efficiency, and renewable and alternative energy policies.

WATER AND WASTEWATER INFRASTRUCTURE

Broward County has been a visionary leader in long-term planning, funding and management of water supply development, storage and conservation, as well as wastewater treatment, reuse of reclaimed water and clean effluent release. Broward County is committed to managing stresses placed on the system by public demand and the continued aging of the infrastructure. The Board supports the efforts by the Florida Department of Environmental Protection (DEP), the United States Environmental Protection Agency (EPA), and others to identify and fund sound, sustainable, environmentally-sound, cost-efficient and technically feasible solutions to the water resource management and regulatory challenges facing the area. The County estimates that infrastructure replacement costs alone over the next 20 years will approach \$300 million. National cost estimates are over \$550 billion.

Broward County supports legislation which will supplement current funding, which is insufficient to meet the need for replacing aging infrastructure such as underground piping, lift stations, and water storage facilities, as well as conversion from septic tanks to proper treatment systems. The County also supports the efforts of the American Water Works Association, the Water Environment Federation, National Association of Clean Water Agencies and other national associations to persuade Congress to create and fund a clean water trust fund or other similar dedicated funding source for infrastructure replacement including the creation of the federally-funded "Water Infrastructure Finance and Innovation Authority". Additional challenges facing local governments in South Florida are identifying alternative water supplies and water reuse opportunities to meet long-term water demands. Broward County supports funding for innovative, effective, efficient and proven green technologies that will enhance our water and wastewater systems, reduce energy demand, and reduce our carbon footprint.

WATER QUALITY

The Board has long recognized the value of the federal government and the EPA to protect national, state and local water bodies including Florida's significant water resources, from the Florida Everglades to Broward County's 1,800 miles of canals. The Board supports strong environmental and water quality policies and strict adherence to the intent and spirit of the Clean Water Act. The Board opposes any weakening of established federal and state water quality standards that would lessen water quality protections or regulations, undermine implementation of the Total Maximum Daily Load Program, or in any way compromise or delay Everglades restoration. The Board supports continued protection of federal, state and local water bodies as required under the Clean Water Act and the preservation of the rights and obligations of local governments to enact ordinances and programs in support of these goals.

The Board supports the protection of surface waters and groundwater and the establishment of numeric water quality standards that are scientifically defensible. The Board also supports the establishment of standards that protect existing water quality and the designated uses of surface water bodies and connected downstream systems. However, the Board opposes the establishment of numeric water quality criteria that are unnecessarily restrictive, do not reflect the range of water quality capable of supporting a designated use, and do not allow for the natural variability measured in aquatic ecosystems.

HEALTH AND HUMAN SERVICES

Broward County recognizes the importance of providing basic human services to protect and assist residents in need. Broward County has demonstrated its commitment by providing funding for the direct delivery of medical assistance, mental health, social and aging services, and housing assistance. The Board supports local involvement in the formulation and implementation of policies that protect the health, mental health, safety and welfare of Florida's residents. The Board supports equity in and adequacy of funding for human services and opposes any funding reductions in the areas of health, mental health and human services in order to meet the increasing demand.

HIV/AIDS

The HIV/AIDS epidemic has severely impacted Broward County. A cumulative 28,033 HIV+ Broward residents were reported through September 2011, including 358 children and youth. HIV prevalence through 2010 included 8,971 AIDS cases and 7,971 HIV cases. In the first seven months of 2011 alone, newly reported AIDS cases increased 26% and newly reported HIV cases rose 45% over the same period in 2010 or an average of five new HIV/AIDS per day. The Centers for Disease Control and Prevention reported that Broward ranks highest in population-adjusted AIDS cases in the US.

Broward County experienced a five percent (5%) increase in demand for services in FY 10-11 in the number of consumers served over the previous funding period. The Board supports sufficient funding for prevention and intervention services for persons at-risk for contracting, or living with, HIV and/or AIDS.

AUTISM

Autism insurance coverage "parity" connotes that autism would be viewed as a functional equivalent to other chronic medical conditions, and that therapies used to "treat" children diagnosed with an autism spectrum disorder (ASD) would receive insurance coverage for rehabilitative approaches to the disease, similar to someone obtaining physical therapy for a spinal injury or speech therapy after a stroke.

Broad consensus exists across pediatrics, psychiatry, neurology and the allied fields of psychology, speech therapy, occupational therapy and physical therapy that the most efficacious treatment of autism requires early recognition and diagnosis, as well as early intensive treatment while the brain has the maximum potential to recover and/or compensate for the underlying pathophysiologic processes. Additionally, evidence exists that diverse treatments can lead to improved functioning in autism, some to remarkable degrees. In rulemaking and implementation of the Patient Protection and Affordable Care Act (PPACA), the Board supports efforts to include services for individuals with Autism Spectrum Disorders.

HEALTH CARE REFORM

As economic challenges multiply, the problem of health care access and cost containment grows, further straining Broward County's capacity to provide care for its employees, the uninsured, underinsured, and medically indigent residents of the County. The Board recognizes that chronic diseases such as heart disease, diabetes and stroke are the primary drivers of health care costs across the nation. With proper screening, early detection, prevention and wellness services; many of the catastrophic effects of these illnesses can be prevented. Therefore, the Board supports federal legislative actions that expand and protect funding for evidence based community prevention and wellness programs.

Employers nationwide are currently experiencing double-digit increases in annual health insurance costs forcing them to reduce benefits, and/or shift costs onto employees. As a result of these trends, the Board supports federal legislative efforts requiring insurance carriers to disclose and justify annual rate increases over and above certain thresholds. Recently enacted health reform legislation includes provisions that reduce the income eligibility threshold for individuals to qualify for enrollment in Medicaid. The expected result of this change is to significantly increase the number of citizens receiving health insurance coverage through the Medicaid program. As a result, the Board supports legislation providing for full federal funding of this program expansion on a permanent basis.

Studies consistently show that health insurance premiums are significantly impacted by the cost of providing uncompensated care to the uninsured as hospitals and other medical providers shift these costs onto other consumers. To help mitigate this problem recently enacted health reform legislation included a provision requiring individuals to purchase a minimal level of health insurance for themselves and their dependents, or pay a financial penalty to the federal government. The Board opposes any legislative action that undermines the implementation of the Patient Protection and Affordable Care Act of 2010.

HOMELESSNESS

Since 1998, when Broward County received its first U.S. Housing and Urban Development SuperNOFA grant for its Homeless Continuum of Care program, we have made considerable progress in addressing homelessness. However, the 2011 Homeless Point in Time (PIT) count indicated that there were 3,801 sheltered and unsheltered persons experiencing homelessness in Broward County on January 25, 2011. This was an 18% overall increase as compared to the 2009 PIT. More importantly, the unsheltered count increased by 58% from 2009 to 2011. The increase in homelessness is attributed to negative economic factors including recession, high unemployment, and associated increase in demand for homeless prevention. Specifically, the Board supports the following ongoing federal policies, programs and funding:

- Increase funding via the Housing and Urban Development's (HUDs) McKinney-Vento Homeless Assistance Grants Program.
- Increase funding levels for appropriations for Homeless Programs within the U.S. Departments of Health and Human Services, HUD, Justice, Veterans Affairs, Education, and Labor.
- Consistent with HEARTH Act Amendment priorities, support the federal "*Ten Year Plan to End Chronic Homelessness Initiative*" and "*Opening Doors*" plans through seeking \$1 billion in dedicated funding for the *National Affordable Housing Trust for new permanent supportive housing*.
- Support legislation to direct the Department of Justice to gather data on potential hate crimes against people experiencing homelessness, and to prosecute accordingly.

- Support legislation to expand funding for a range of supportive services to homeless persons to address issues such as mental health and substance abuse disorders and promote access to mainstream benefits.
- Support broadly standardizing the definition of homelessness for all McKinney-Vento Act funded programs.

MENTAL HEALTH PARITY

In 2008, Congress passed the Mental Health Parity and Addiction Equity Act which requires that a group health plan of 50 or more employees providing both medical and surgical benefits and mental health or substance abuse benefits ensure that financial requirements and treatment limitations applicable to mental health/substance abuse disorder benefits are no more restrictive than those requirements and limitations placed on medical/surgical benefits. The Board supports expansion of the Act to include group health plans for less than 50 employees and individual health plans while ensuring that costs for those health plans do not increase beyond an acceptable threshold.

The Board recognizes that beginning in 2014, the Patient Protection and Affordable Care Act (PPACA) will provide for parity of mental health and substance abuse benefits. The Board supports appropriate implementation of this provision to ensure that parity is obtained and that mental health and substance abuse disorder services are included as essential benefits in health care plans, and that insurers are unable to use these conditions as a basis for denying coverage or raising premiums.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP)

In 1997, the federal government established the State Children's Health Insurance Program (SCHIP). This program was established as a federal/state matching program to cover children who were over income for Medicaid but were uninsured. The Board supports expansion efforts to enroll more eligible children and expand coverage for children who are not Title XXI eligible so that these children and those already enrolled will have consistent access to health care and the burden on the health care safety net is reduced.

STEM CELL RESEARCH

Embryonic stem cells stand as a crucial link to the scientific puzzle that may mitigate the pain and suffering of more than 100 million Americans and provide new therapies and other scientific opportunities for countless diseases such as diabetes, Alzheimer's, Parkinson's, ALS, heart disease, spinal cord injury and cancer. The Board supports protecting and preserving continued federal funding of human embryonic stem cell research.

JUSTICE AND CIVIL RIGHTS

The Board supports full implementation of existing federal civil rights laws that protect persons against discrimination on the basis of race, color, religion, sex, national origin, age and disability. In addition, the Board urges the enactment of federal legislation that prohibits discrimination on the basis of gender identity and expression, and sexual orientation.

LOCAL GOVERNMENT / GOVERNANCE

COLLECTIVE BARGAINING

The Board opposes legislation which imposes federal requirements relating to the collective bargaining rights of public employees. Jurisdiction for such issues should be reserved for state and local governments.

CULTURAL ARTS

It is the responsibility of the federal government to help make the arts accessible to benefit the social, economic and cultural well-being of the American people. Public support of the arts and humanities is dependent upon the development of a cultural infrastructure at all levels of government. The Board supports funding cultural arts programs.

GOVERNANCE/HOME RULE

Broward County is committed to delivering quality services to its community at the lowest possible cost, generating the greatest possible return. The Board supports legislation and regulatory initiatives that reduce the cost of delivering county services. The Board opposes legislation which would preempt local governments' ability to regulate outdoor advertisers, and opposes weakening of the 1965 Highway Beautification Act.

Broward County is dedicated to the fundamental concept that the government closest to the people is the appropriate authority to serve the needs and requirements of the community. The Board supports maintaining the integrity of home rule power that allows counties to develop and implement solutions to local problems.

HUMAN RESOURCES

As major employers, county governments are directly accountable to residents and employees and responsible at the local level for fiscal, administrative and personnel decision-making. The Board supports home rule ability to effectively manage all aspects of employee salary and benefit packages in the best interest of taxpayers and employees. The Board opposes any legislation that would increase the risk of liability for local governments, including legislation creating new, or expanding existing causes of action and/or providing for recovery of attorneys' fees and costs, and further opposes any effort to increase the burden of compliance with employer/employee related federal laws.

INTERGOVERNMENTAL COORDINATION

The Board supports the *Restore the Partnership Act*. Having a voice in the early phases of legislation and having a forum for communication between the various levels of government is vital to passing legislation which is advantageous to America's counties.

UNFUNDED MANDATES

Unfunded mandates can compromise a county's ability to provide essential and discretionary services deemed appropriate by the local community. The Board opposes any federal legislative actions that implement unfunded mandates on a local government's fiscal and public policy.

TRANSPORTATION

As Florida's second most populated county, Broward County has ongoing needs to modernize and expand transportation infrastructure and increase capacity to meet the needs of the traveling public and private sectors. Broward County's transportation system must be upgraded in the coming years to accommodate the increasing needs of our growing urban county and region, with particular emphasis on facilitating Express Bus, Bus Rapid Transit (BRT), and the Downtown Circulator/"Wave" in addition to developing an efficient network to facilitate passenger, vehicular, and freight traffic for airport and seaport connections.

The Board supports the development, funding for both operations and capital, and construction of a sustainable transportation system that addresses livable communities while providing a comprehensive regional network, in order to enhance all transportation modes, from seaport and airport to mass transit, rail, roadways, and bicycle/pedestrian facilities. The Board supports policies that will encourage the use of public transportation. The Board supports maximizing the return of transportation funding, including transit funding, to Florida.

The Board supports development, construction, and federal funding for operational and capital needs of a sustainable, safe and efficient transportation system. For years, Florida has been one of the "donor" states; that is, we generate more transportation taxes than we receive from the federal government. The Board supports the strengthening of the Firewall and Revenue Aligned Budget Authority (RABA) provision to ensure that all revenues in the Highway Trust Fund are spent for transportation purposes. The Board opposes legislation that permits funds paid by users into the Highway Trust Fund to be used for any other purpose than to improve the nation's transportation system.

APPROPRIATIONS REQUESTS

ENVIRONMENT AND WATER

Beach Nourishment	\$ 11.8 Million
Desalination Alternative Water Supply Study	\$ 500,000

HEALTH AND HUMAN SERVICES

Broward Addiction Recovery Center (BARC)	\$ 1 Million
Sexual Assault Treatment Center (SATC)	\$ 275,000

HOMELAND SECURITY

Public Safety Emergency Communications	\$ 3.7 Million
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SEAPORT – PORT EVERGLADES

Radiation Portal Monitors	\$3.5 Million
Maintenance Dredging	\$3.084 Million
Southport Dredging Reimbursement	\$ 3 Million
U.S. Army Corps of Engineers (USACE) Deepening and Widening Program	\$ 1.5 Million

TRANSPORTATION & TRANSIT

Downtown Transit Circulator (DDA)	\$ 11.5 Million
Hybrid, Hybrid-Articulated and Hydrogen Buses	\$ 2.5 Million
Multi-Modal Transit Facility	\$ 2.5 Million
Transit Technology Enhancement Projects	\$ 3.5 Million
Transit Oriented Development-Park and Ride Lots	\$ 3 Million
School Zone Safety Enhancement Projects	\$4 Million
Traffic and Safety Improvement Projects	\$15 Million

ENVIRONMENT AND WATER

BEACH NOURISHMENT

Broward County is requesting a total of \$11.8 million over a multi-year period to reimburse the County for the authorized and approved federal share of beach nourishment on 6.2 miles of County beaches. For FY13, the County seeks \$6 million for partial reimbursement of the County for the authorized share of construction of the Segment III Shore Protection project. This project was constructed in 2005 and 2006 in accordance with a U.S. Army Corps of Engineers (USACE). According to a federal audit, the total federal share of this project is approximately \$17.3 million of which approximately \$5.5 million has been reimbursed to date.

Erosion of Broward County beaches threatens the public safety, economic development, and environment of the region. Broward County Segment III beach construction was completed in February 2006. The requested funding is to reimburse the County for a portion of the 58.4 percent federal share of costs for construction of the beach project. Per the Project Cooperation Agreement, reimbursement is subject to legislative appropriations. To date, reimbursements for the Segment III nourishment project have been received in the amounts of \$2,840,284 (2006), \$1,600,000 (2007), \$492,000 (2008) and \$400,000 (2009) and \$236,000 (2011). According to Corps's audited accounting, Broward County is currently owed approximately \$11.8 million in federal government reimbursements. Broward is requesting that \$6 million in incremental reimbursements be included in the FY 13 Energy and Water Appropriations bill. Bill language should specify that appropriated funds are for the purpose of reimbursing Broward County for the federal share of eligible costs for the Broward County Segment III Shore Protection Project.

Broward County is in the design, permitting, and coordination phase of a beach nourishment project for Segment II which includes portions of Pompano Beach, Lauderdale-by-the-Sea, and Ft. Lauderdale. In order to proceed with coordination activities to make this a federally reimbursable project, the Jacksonville District requires approximately \$1,000,000 to complete coordination prior to entering into a Project Cooperation Agreement (PCA). The PCA will define the provisions of cost sharing the construction phase of the project. Broward County is requesting an appropriation of \$1,000,000 for the Jacksonville District Corps office for FY 13 to complete coordination activities.

DESALINATION ALTERNATIVE WATER SUPPLY STUDY

Broward County is requesting \$500,000 to conduct a comprehensive study of utilizing desalination as an alternative water supply. Broward County Water and Wastewater Services are considering the use of desalination for alternative water supply to relieve dependence on the Floridian Aquifer as the primary alternative water supply source to serve the utility's customers. Since the sustainability of the Floridian Aquifer is still unknown, the County is considering the use of desalination as a sustainable supply to meet all of the water supply needs in the future. The benefit to using seawater in the desalination process is that there would be an adequate supply to meet potable and irrigation demands. While the County has studied the use of reclaimed water, this option requires new infrastructure and is not cost effective. Using desalination to meet irrigation demands allows the County to utilize existing infrastructure supplying potable water to residents. This study would combine water supply, reclaimed water use, and effluent disposal in a comprehensive action plan. The use of desalination to meet future water supply demands may also lend itself to a regional solution for the other utilities operating within Broward County.

HEALTH AND HUMAN SERVICES

BROWARD ADDICTION RECOVERY CENTER

Broward County is requesting \$1 million to build a new Addiction Recovery Center in central Broward County. The Broward Addiction Recovery Center (BARC) is the primary provider of detoxification services in the County and the only option for court-ordered clients. The existing facility offers medically supervised detoxification, non-residential day treatment, and outpatient treatment services in a building that is over 60 years old and in serious disrepair. The cost of new construction is more feasible than bringing the current facility up-to-date. Between 2007 and 2011, a total of 21,321 clients were triaged for detoxification services and 8,862 were admitted. The Detox Unit currently operates at 96% occupancy rate with an average of 10 individuals on a wait list. Funding would allow BARC to significantly upgrade the quality of care as well as add 16 additional beds to support community needs.

SEXUAL ASSAULT TREATMENT CENTER

Broward County is requesting \$275,000 to expand understanding of sexual assault and child abuse, through an evidence-based social marketing campaign. The campaign will target Broward County's culturally diverse populations, focusing on youth through a collaborative partnership with the school system, while also seeking to penetrate historically hard-to-reach groups. Some of the intended uses of the funds include:

- \$65,000 (includes salary and fringe benefits) for a licensed family therapist or social worker, specializing in diverse adult populations.
- \$30,000 to augment the existing part-time salary of the therapist assigned to the local school system, in order to expand services to youth.
- \$10,000 to develop and maintain social media sites on Twitter, Facebook and other appropriate on-line tools.
- \$60,000 to develop and disseminate multi-cultural messaging through radio, television and print media, in a variety of languages.
- \$5,000 for mobile service delivery equipment, including evaluation tools on laptops.

If successful, funds will also be used to improve victim intervention programs by building upon partnerships already underway in the area among Broward Sheriff's Office and local law enforcement victim advocates, Broward County Public Schools, Broward Victim's Rights Coalition, Broward Human Trafficking Coalition, Broward Domestic Violence Council, Child Abuse Coordination Committee, local Community Action Team, and local non-profits. By enhancing existing efforts, SATC will be able to more efficiently target individuals for immediate medical and mental treatment as well as facilitate post-incident therapeutic treatments.

HOMELAND SECURITY

PUBLIC SAFETY EMERGENCY COMMUNICATIONS

Broward County is requesting \$3.7 million to refresh a critical element of the countywide trunked radio system. The radio system functions as an emergency communications hub for more than 25,000 police, fire rescue, local government users and 1,400 school buses. The 1.7 million residents of Broward County rely on this system for the timely and reliable dispatch and delivery of emergency services. Specifically, the requested funds will be used to replace the microwave system which seamlessly links the County's transmit/receive tower sites into a single trunked radio communications system. The current microwave system, due to the age of its components, will reach "end of life" for support in December 2011. Past this date, maintenance will be on a "best effort" basis and dependent on spare parts availability.

In addition to ensuring on-going support, the microwave system replacement is essential to the County's migration strategy that will, over the next several years, transition the radio system from the current 800 MHz system to an all-digital 700 MHz P-25 radio platform. While there is sufficient spare equipment to allow for continued support in the near-term, funding this project will mitigate the inherent risk associated with "best effort" support, ensure current system continuity of operations, and enable the County to move toward a fiscally responsible system migration.

SEAPORT – PORT EVERGLADES

RADIATION PORTAL MONITORS

Broward County is seeking \$3.5 million for U. S. Customs Boarder Protection (CBP) to construct radiation portal monitors (RPM) in Port Everglades at the international cargo entrance at the planned near dock Intermodal Transfer Container Facility (ICTF). In the future (FY14) we will request recurring staffing and operating costs.

MAINTENANCE DREDGING

Broward County is seeking \$3.084 million on behalf of the U.S. Army Corps of Engineers (USACE) for maintenance dredging at Port Everglades. This will supplement the \$4.623 million included for this project in the FY12 Consolidated Appropriations Act and Work Plan.

SOUTHPORT DREDGING REIMBURSEMENT

Broward County is requesting \$3 million from the FY 13 Energy and Water appropriations bill from within the US Army Corps of Engineers (USACE) Construction General account to reimburse Port Everglades for the federal share of costs associated with the previous widening and deepening the Southport Access Channel (1985) and Turning Notch (1990). The total amount needed for full reimbursement is \$4.763 million.

DEEPENING AND WIDENING PROGRAM

Broward County is seeking \$1.5 million on behalf of the U.S. Army Corps of Engineers USACE for the preliminary engineering and design of the Port Everglades deepening and widening program. The Corps' final feasibility report is scheduled to be released in summer 2013 with a projected construction start date of November 2015 and completion in 2017.

TRANSPORTATION & TRANSIT

DOWNTOWN TRANSIT CORRIDOR

The Board is requesting \$11.5 million for the Downtown Transit Corridor (“The Wave”). This project is jointly sponsored by Broward County, the City of Fort Lauderdale, and the Downtown Development Authority (DDA). The project seeks to create a livable community by integrating land use, economic development, and transportation, while being environmentally sustainable. The project is also intended to be a catalyst to advance premium rail throughout the County. Broward County’s primary participation will be through operation of the transit service, once constructed.

HYBRID, HYBRID-ARTICULATED AND HYDROGEN BUSES

Broward County is requesting \$2.5 million for at least two hydrogen buses. The introduction of this new prototype bus will be the first for any Florida transit system and is a high priority for the County, not just for energy efficiency but also for the potential of helping develop this emerging industry. A pilot project will provide an opportunity to evaluate the bus’ energy and cost savings over time to determine its efficacy for use by other Florida transit systems. The hydrogen bus only emits water as a by-product thus improving air-quality by not emitting harmful pollutants into the atmosphere. In addition to the hydrogen buses, the County will benefit from the purchase of 40-foot hybrid buses (10 buses at \$750,000) and 10 60-foot hybrid-articulated buses at a cost of \$850,000 each. The total cost for the entire bus purchases is \$18.5 million.

MULTI-MODAL TRANSIT FACILITY

Broward County is requesting a multi-year investment of \$20 million for a major public/private partnership to renovate and expand a major bus terminal. An initial first-year request of \$2.5 million will allow for property acquisition, project design, and development. The bus terminal in downtown Fort Lauderdale currently services countywide bus routes but needs to be expanded to accommodate more multi-modal public transportation vehicles. Broward County Transit operations will be re-located with its bus services at this central location. The expanded facility will be located adjacent to the Florida East Coast (FEC) railroad tracks, proposed for passenger transport, and in the downtown business district. The renovation will include a transfer station for passengers transferring from rail to bus or bus to rail and would connect to other regional transportation to include Tri-Rail and the proposed Downtown Transit Circulator. The proposed facility will be a major transportation hub that should contribute to the economic vitality of the downtown area by promoting public/private partnerships, job creation and spearheading commerce and retail opportunities. Efficiencies in operations and coordination will be achieved by centralizing function. The County has received local funding from the Metropolitan Planning Organization (MPO) in the amount of \$26 million; however, an additional \$20 million is needed for project completion.

TRANSIT TECHNOLOGY ENHANCEMENT PROJECTS

Broward County is requesting \$3.5 million for acquisition of transit technology to improve energy and transit efficiency, and safety. The project includes: a Traffic Signal Priority (TSP) system to facilitate the movement of public transit vehicles along heavily congested traffic corridors, installation of a Real Time Information System to provide riders with ADA accessible transit information about the next bus arrival time based on the vehicle's location and conditions in the transit corridor, and the purchase and installation of LED solar panel technology to provide energy-efficient lighting at 2,000 bus stops and to display transit information. These technological advances will address some of the public's reluctance to use public transit by contributing to convenience of travel. Further, the TSP system should ease traffic congestion overall that will benefit all travelers whether riding transit or other modes of transportation.

TRANSIT ORIENTED DEVELOPMENT – PARK AND RIDE LOTS

Broward County is requesting \$3 million to develop geographically-dispersed park and ride lots along the County's regional transit corridors. Funding will be used for property acquisition and developing/renovating existing property to accommodate park and ride use. Park and ride lots will be developed along existing limited-stop routes that presently cross county boundaries or connect with Tri-Rail and should promote transit usage in areas that do not have ready access to transit.

SCHOOL ZONE SAFETY ENHANCEMENT PROJECTS

Broward County is requesting \$4 million over three years to fund the installation of traffic/pedestrian safety infrastructure for the County's School Zone Safety Enhancement Program. Broward County has one of the largest school speed zone safety programs in the country operated by a single agency, with over 970 school zone flasher locations. Funding will be used for enhancements within school speed zones, including the installation of pedestrian numeric countdown timers, construction of overhead school speed zone flashers or signalized pedestrian crossings, conversion of non-flashing school signs to flashing beacons, relocation of existing school zone flashing beacons to match speed zones limits, enhancement of school zone/pedestrian/bicycle pavement marking and signage, and the development of safety education materials. These projects are intended to promote safe walking routes for students and the general public throughout Broward County.

TRAFFIC AND SAFETY IMPROVEMENT PROJECTS

Broward County is requesting a multi-year investment of \$15 million to reduce traffic congestion and improve safety at heavily traveled intersections. These improvement projects will include addition of turn lanes, thru lanes, and queue jumpers for busses; installation of pedestrian countdown timers; conversion of existing span wires to hurricane-resistant structures; and improvement to intersection geometrics. This program will focus on improving traffic flow and safety at intersections with the greatest benefit-to-cost ratio for motorists, pedestrians and transit services. The initial first year request is \$1.5 million for analysis and design of approximately ten high-priority intersections. In year's two to five, the remaining funding will be needed to construct the planned improvements. In addition to improving traffic flow and safety, this construction will reduce vehicle emissions; reduce delay time for emergency vehicles and transit, increase efficient

LEGISLATIVE PROPOSALS

ECONOMIC DEVELOPMENT AND TRADE

AVIATION

As part of a regional transportation system, the airport is an economic engine that creates and promotes commerce and industry. The Fort Lauderdale-Hollywood International Airport (FLL) serves the air travel needs of Broward, north Miami-Dade and southern Palm Beach counties. In 2010, the airport handled more than 22 million passengers and as of 2008, FLL had generated more than \$2.3 billion in economic activity, which includes 31,500 jobs. The Board supports continued and increased federal funding for the FLL. Funding will provide capital for expansion, maintenance, and security improvements, all vital for travel and trade to the South Florida area. The Board supports legislation that promotes airports and opposes legislation which could be detrimental to aviation interests and supports the following legislative proposals:

- Continued approval and funding assistance to modify the terminals at Fort Lauderdale-Hollywood International Airport to comply with increased federal baggage screening requirements. Installation of the required systems will necessitate design modifications of the existing airport terminals, and the cost for these mandated airport security enhancements and infrastructure improvements is estimated to be \$130 million.
- Retained Transportation Security Administration (TSA) responsibility for security of check-point exit lanes, or in lieu of, provide funding to implement technology-based alternatives, verses imposing an unfunded mandate.
- Expanded service hours and additional staffing for United States Customs and Border Protection (CBP) at Fort Lauderdale-Hollywood International Airport. FLL is a rapidly growing port of entry which, along with Port Everglades, requires staffing support to meet expanding needs and volume. The service hours of the CBP facility at FLL need to be expanded to 24 hours per day, 7 days a week to support the continued growth of South American operations.
- Increased maximum base rate for Passenger Facility Charges (PFCs) which allows such charges to keep pace with the Consumer Price Index (CPI).
- Proposed changes to the Airport Rescue and Fire Fighting standards should be evaluated in the context of the FAA's rulemaking process where safety, costs, and benefits can be thoroughly considered.

The Board also opposes the transfer and consolidation of Terminal Radar Approach Control (TRACON) to the existing Miami TRACON. The TRACON facility that has been proposed to be relocated is currently co-located with the air traffic control tower in Palm Beach County.

PORT EVERGLADES

Federal investments in seaports are an essential, effective utilization of limited resources, paying dividends through increased trade and commerce, long-term job creation, secure borders, military support and environmental stewardship. Port Everglades is recognized as the second largest cruise port in the world, as well as one of the largest containerized cargo business entities in the Southeastern United States. It is a primary bulk cargo depot for South Florida, as well as the petroleum distribution point for 12 counties and provides jet fuel for three international airports.

The Broward County Board of County Commissioners supports:

- Economic development incentive programs which identify seaports as a vital component of our nation's economic future. Incentives should be designed to facilitate the movement of freight which will result in the creation of jobs; public-private partnerships; support for manufacturing; development of intermodal distribution centers and the improvement of the trade and logistics infrastructure.
- The National Export Initiative (NEI) highlighting the importance of U.S. exports of goods and services, which in 2010 totaled \$1.84 trillion, and supported more than 9 million jobs in the United States. The NEI plans to collaborate with states, metropolitan areas, and border communities to assist in global export; encourage exports by U.S. companies selling technologies in high-growth sectors; and ensure better data and measurement of U.S. services' sector.
- Permanent funding for U.S. Customs and Border Protection Inspectors and additional resources for U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services and the U.S. Department of Agriculture, Animal and Plant Health Inspection Service in order to keep pace with growth in cargo and cruise activities affecting Port Everglades and Fort Lauderdale-Hollywood International Airport.
- Reform the federal cost-sharing formula for navigation improvement projects to reflect the growing size of general cargo vessels and their corresponding navigation channel needs, as well as the significant burden on local port authorities of maintaining channels deep enough to accommodate the larger general cargo vessels. An increase from a 45 foot to 53 foot channel depth threshold would accommodate the size of the current world ship fleet and right-size the local cost-share on construction and maintenance projects, speeding up approval of federal infrastructure project reviews and permits.
- Legislation requiring the annual harbor maintenance tax (HMT) revenue to be made fully available to the U.S. Army Corps of Engineers (USACE) for maintenance dredging and related purposes in its annual appropriation and not used for deficit reduction. Users of federal navigation channels pay an ad valorem tax of 0.125 percent into a trust fund on imports and domestic waterborne shipments between U.S. ports to provide a source of non-federal revenue to perform maintenance dredging. Ports compete for this cargo, and the growth of containerized cargo and the prospective expansion of the Panama Canal have intensified competition among U.S. ports. Despite a large surplus in the trust fund, even the busiest U.S. harbors are presently under-maintained. The U.S. Army Corps of Engineers (USACE) estimates that full channel dimensions at the nation's busiest 59 ports are available less than 35 percent of the time. This situation can increase the cost of shipping as vessels carry less cargo in order to reduce their draft or wait for high tide before transiting a harbor. It could also increase the risk of a ship grounding or collision, possibly resulting in an oil spill.
- Transport Worker Identification Card (TWIC) enrollment centers should be maintained at locations within very close proximity to the Port and the repeal of TWIC's inflexible requirement that an individual must make at least two trips to the enrollment center, one to apply for and another to

pick up the credential . This is a critical need as the 5-year renewal cycles for employees at Port Everglades will occur in 2013.

- Continued work to complete the Government Accountability Office (GAO) study required by Section 817 of the Coast Guard Authorization Act of 2010. The independent GAO is required to study the background checks and forms of identification required under state and local security programs and determine whether such programs duplicate or conflict with federal programs.
- The FEMA Port Security Grant program remaining a separate program. This program continues to be a valuable program for ports, who partner with the Department of Homeland Security (DHS) and the private sector to harden security at U.S. ports and protect our homeland. It would be detrimental to Port security efforts if Congress eliminated direct funding for Port Security Grants. The 25 percent cost-share for FEMA Port Security Grants must be permanently eliminated as it is a significant economic disincentive to make security enhancements and implement regional maritime security plans. In these tight economic times, the cost-share is a disincentive as ports cut back in all areas to address economic shortfalls. While the cost share was waived during the appropriation process in FY10 and FY11, elimination would make it similar to other homeland security grant programs that don't require matching funds.
- Reauthorization and full funding of the Diesel Emissions Reduction Act (DERA). This law, signed as part of the Energy Policy Act of 2005, authorizes \$200 million annually to fund diesel emissions reduction projects at the federal and state levels. The legislation builds upon the good work that the Environmental Protection Agency is doing to address so-called "legacy" diesel engines. DERA provides grants retrofit, repower, refuel or replacement of older diesel engines. Reducing emissions from diesel engines provides significant public health benefits for port communities and port workers and helps to ensure that verified emissions reduction technologies are put into place earlier than would happen otherwise.
- A multi-year reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) to invest in port infrastructure, intermodal port access and freight mobility including continued federal contributions to the State Infrastructure Bank (SIB) program and the Transportation Investment Generating Economic Recovery (TIGER) discretionary grant program. The SIB program facilitates private, local, and additional state financial participation similar projects. SIB capital used as collateral to borrow in the bond market or to establish a guaranteed reserve fund to construct intermodal freight connectors (highway, maritime, rail) is a vital tool for port efficiency and cargo mobility. TIGER grants are awarded by the DOT on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area or a region.
- A change of status for the Fort Lauderdale/Miami Urban Area Security Initiative (UASI) which consists of Broward and our partner counties, Miami-Dade, Palm Beach and Monroe Counties, from U.S. Department of Homeland Security from Tier II designation to Tier I designation. This is necessary as the existing Risk Profile is flawed due to the failure to consider high-consequence infrastructure entities such as Port Everglades tank farms. Port Everglades with 3.9M cruise visitors annually, located in the middle of a year-round, warm-weather resort destination with 1.75M residents, and located ½ mile from an International Airport serving 22 million passengers, is home to thirteen petroleum terminals and pipeline companies. Each day, over 300,000 barrels (12.6 million gallons of petroleum products) flow through the port, supplying over one third of all of Florida's transportation fuel needs and over 80% of the region's demand for gasoline. Pipelines and a pumping station within Port Everglades supply all of the jet fuel requirements for two international airports and we truck jet fuel to a third. As the primary storage and distribution seaport in South Florida, petroleum accounts for roughly one fifth of Port Everglades' total revenues.
- The Board opposes the elimination of NOAA's navigation response teams as provided for in the President's FY2013 budget request. The Federal Maritime Infrastructure Recovery Plan delineates NOAA's responsibility to assess the condition of the seafloor using Navigation Response Teams (NRT) trained to respond to a variety of events that have the potential for impacting the marine commerce transportation system. Seaports rely on NOAA's ability to deploy NRTs quickly following an event affecting navigation channels so seaports can reopen waterways to maritime commerce.

In South Florida, there's no equivalent government or private sector capability to perform these services.

FINANCE AND TAX

CHILD CARE / EARNED INCOME TAX CREDIT

The Child Care Tax Credit (CTC) is an important anti-poverty and pro-work tax policy that improves the fairness of the tax code and directs tax relief to children in low-income families. The current credit indexes the income eligibility threshold for inflation, excluding more families every year. The Board supports legislation which lowers the income threshold at which the CTC is refundable.

The Earned Income Tax Credit (EITC) is intended as a wage support for poor and low-income families, and has been one of the federal government's most effective tools in lifting millions of Americans out of poverty. The Board opposes any proposal to initiate a pre-certification process or any effort to increase requirements for qualification of the EITC.

TAX RELIEF

The Joint Committee on Taxation's proposal to "require state and local governments to report to taxpayers and the IRS the amount of real estate taxes paid" would impose a significant unfunded mandate and data redaction issue on local government. The County is not able to discern which taxes are tax-deductible, and additionally would need information systems that captured, stored, and protected relevant social security numbers from the public record. The Board opposes legislation that would compel the County to report the amount of real estate taxes paid to the IRS and to individual taxpayers.

Airports and seaports play a critical role in the U.S. economy. Fort Lauderdale-Hollywood International Airport and Port Everglades are major economic engines vital to the economic prosperity of Florida, and Southeast Florida in particular. Investment in capital infrastructure improvements is essential to keep pace with growing demands in moving people and goods. Despite the fact that a great majority of the nation's airports and seaports are publicly owned, and the public use and benefits of such facilities, a major percentage of bonds airport and seaport issue to finance infrastructure projects are deemed or classified under the U.S. tax code as Private Activity Bonds (PABs). This treatment results because private businesses are significant users of airport and seaport facilities and provide a large portion of the revenues used to repay the bonds. While the interest on PABs is exempt from ordinary federal income tax, the interest paid to investors is subject to the Alternative Minimum Tax (AMT). Because this tax treatment makes PABs a less attractive investment, airports and seaports often times must pay an interest premium (e.g., 10 to 30 basis points on average) to investors. Also, PABs cannot be advance refunded to take advantage of lower financing rates that may occur in the future, thus, prohibiting airports and seaports from efficiently managing their debt.

In 2009, Congress provided a two-year AMT exemption for PABs expiring December 31, 2012; PABs issued afterwards will be subject to the AMT penalty. Removing the AMT penalty that investors pay, and airports and seaports pay through discounting penalties, is vital to avoiding an increase in airports and seaports' costs for financing needed and publicly beneficial infrastructure projects – projects critical to advancing America's trade and tourism interests, securing jobs, and creating or expanding businesses for our economy. Therefore, the Board supports federal legislation to permanently eliminate the AMT penalty on airport and seaport private activity bonds, and to permit the advance refunding of PABs issued for port-related infrastructure projects.

HEALTH AND HUMAN SERVICES

CHILD CARE DEVELOPMENT FUND

The Board supports increased funding through the Health and Human Services Appropriation for licensing and monitoring of child care facilities.

HIV HEALTH AND SUPPORT SERVICES

The growing gap between increasing HIV/AIDS cases and funding continues to create significant challenges in sustaining consumer access to the high quality HIV care system built in Broward County. Although Broward County is aggressive in achieving efficiencies in the use of Part A funds, the system of care is reaching its critical mass. Without additional funding, the Eligible Metropolitan Area (EMA) will be forced to consider the rationing of life-sustaining medical care and treatment to meet the documented increased demand for health related services.

Funding allocations for the Ryan White HIV/AIDS Treatment Extension Act of 2009 are largely based on a formula which only takes into consideration the place of residence of persons at the time of initial diagnosis. Under current law, if a person diagnosed with HIV in one area of the country moves to a different area of the country, the funding for the case is not transferred to that new area, but remains at the point of diagnosis. This is referred to as the "migration factor." It is estimated that 34 percent of all persons in Broward County with a positive diagnosis were tested elsewhere; a policy shift which results in a severe financial burden on Broward County. The Board urges Congress to revisit funding disparities, and require the Centers of Disease Control and Prevention to revise HIV Reporting to adjust for the migration factor.

In FY 11-12, Broward County received \$15,006,261 million in Ryan White Part A funding. While this source of federal funding continues to be the primary funding mechanism for health and support services for people living with AIDS and HIV in Broward County, the FY 12 funding was \$388,992 less than the prior fiscal year.

The late notification of FY 11-12 grant funding to Ryan White Part A grantees resulted in a significant system impact and planning challenge in providing care to HIV+ clients in need of critical health and support services. As a result, grantees were forced to restrict and limit services due to the seven month delay in receiving final total funding award. These actions were out of the control of the Grantee but may cause unexpended grant balances at the end of the grant period. The Board encourages review of the Legislative requirement related to grant balance and supports the use of flexibility in its application of penalties.

The Board encourages a careful review of unfunded mandates including the Early Identification of Individuals with HIV and AIDS (EIIHA) and encourages additional funding by Congress for the implementation of mandated initiatives to fund activities focused on identifying newly identified persons with HIV/AIDS and engaging them into care while reinforcing safety-net strategist that ensure retention in care.

The Board encourages greater transparency and streamlining of the Health Resources Services Administration's funding process for communities including publishing of grant award funding formula criteria for Formula, Supplement and Minority AIDS Initiative programs in the Federal Registry, the provision of advance release notice of funding opportunities to Grantees.

The Board supports full funding of the FY12 grant application in the amount of \$19.6 million. Full funding of the requested amount will ensure sufficient resources to sustain current service levels while providing additional services to newly diagnosed persons entering care. The funding amount will also restore a funding loss of \$388,992 in FY 11-12. The Board also supports increased funding for Housing Opportunities for Persons with AIDS (HOPWA) to create stable housing for persons with HIV/AIDS in Broward County.

The Board urges Congress to increase funding for the Health Resources and Service Administration's Ryan White Part A Formula, Supplement and Minority AIDS Initiative programs in order to adequately address funding gaps in core medical and support services in communities disproportionately impacted by HIV/AIDS in large urban communities. The board also supports additional funding for unfunded mandates including the Early Identification of Individuals with HIV and AIDS (EIIHA) to allow communities to develop and implement program requirements that will produce meaningful outcomes.

The Board urges Congress to establish a waiver process for the unobligated balance provision in the Ryan White HIV/AIDS Treatment Extension ACT of 2009. This provision currently penalizes Part A and B grantees with more than five (5) percent unobligated grant award balances at the end of each grant period. Delays in funding awards create significant and avoidable program challenges for grantees in the fiscal management and the management of the program operations.

The Board encourages reauthorization of the Ryan White HIV/AIDS Treatment Extension Act of 2009 for an additional four (4) year period. Further, the Board strongly encourages Congress to mandate that the Health Resources Services Administration engage CARE Act Grantees in the planning and transitioning of any CARE Act services under the Affordable Care Act.

The Board urges Congress to implement an accountable and transparent process in distribution of Part A Funding Awards. Despite the use of a competitive grants award process for Supplemental Funding in the Part A Grant Application process, the formula used to award these funds has not corresponded with the Supplemental grant scores.

Furthermore, the Board supports:

- Expansion of federal programs which provide scholarships and financial assistance to students committing to medical careers in HIV/AIDS and promote specialization in communities designated Health Professional Shortage Areas.
- Increased funding for HIV related Respite Programs and loosening of eligibility criteria to ensure earlier access and availability of supportive services for care givers.
- HIV testing of inmates upon incarceration in order to reduce the impact of transmission.
- Increased funding of the Ryan White Care Act.
- Continued funding for the AIDS Drug Assistance Program (ADAP) to ensure pharmaceutical access.
- Full funding of the Housing Opportunities for Persons with AIDS (HOPWA) program to meet the housing need for people living with HIV/AIDS.
- Legislation which removes administrative and statutory barriers to obtaining prescription medications confronted by people living with HIV/AIDS; ensuring they are not forced to interrupt life-saving medications while learning to navigate the complex system of care.

LIVING ORGAN DONATION

The Board urges Congress to revise the eligibility criteria for the Family Medical Leave Act (FMLA) to include leave time required to complete mandatory testing for pre-approval screening to determine the medical viability of a direct organ donation and to allow tax credits and other financial incentives to offset un-reimbursed costs of organ donation in order to expand opportunities for living organ donation. At any time, approximately 100,000 Americans are awaiting organ transplants, with only one-quarter of

those persons actually receiving a transplant. Eighty-three percent of all transplant patients (both successful recipients and wait-listed persons) receive Medicare. The fiscal impact to taxpayers at the federal level to maintain one person with kidney failure on dialysis is \$55,000 per year. Since waiting time for a deceased donor kidney is approximately four years longer than a living donor kidney, Medicare can save roughly \$220,000 on average for each living kidney transplant. Kidney transplant cost estimates can be extrapolated to other organs that can be donated by living persons, such as a liver, lung, pancreas, or intestine.

Additionally, successful transplant recipients must take anti-rejection medication for life in order to maintain the transplanted organ; however, Medicare only pays for anti-rejection medications in limited circumstances for three years post-transplant for those under 65 or not otherwise disabled. Drug coverage is comparatively less expensive and affords transplant patients a higher quality of life than alternative treatments, such as dialysis. At this time of budgetary pressures, rising inflation and escalating national deficits, the Board supports congressional efforts to encourage living organ donation as a fiscally responsible and compassionate policy, including removal of the existing three-year limitation on funding for anti-rejection medications for transplant recipients

The Board supports passage of H.R. 2755, which amends the Internal Revenue Code to allow a tax credit for a donation of a life-saving organ for transplantation by a living individual into another individual. The bill limits the annual amount of the credit to \$10,000 of the unreimbursed costs and lost wages incurred by an organ donor in connection with an organ transplant.

MEDICAID

The Medicaid program is recognized nationally as a partnership between the federal, state, and local governments to provide medical assistance to certain individuals and families with low incomes and resources. Unlike many states, Florida requires counties to contribute financially to the Medicaid program, subsidizing the state's share, leaving counties vulnerable each year to potential cost shifts when there is a state budget deficit or shortfall. As the state seeks to implement the federal waiver to help provide predictability in the cost of the state's share for Medicaid, the Board supports legislation which:

- Increases the percentage the federal government reimburses states for Medicaid expenditures through the Federal Medical Assistance Percentages (FMAP), based on a sliding scale, so that states with lower personal incomes will have higher FMAPs.
- Allows the state to finance and promote the objectives of the Medicaid program without shifting additional costs to county government.
- Allows the use of intergovernmental transfers (IGTs) to help draw down additional federal funding without supplanting the state's share with local funds that have been certified to be federally matched, in addition to the state's contribution.
- Provides the financial infrastructure for the state to sustain Medicaid non-emergency patient transportation services by using a methodology rate process for distribution of funds to counties that does not shift financial responsibility of these services to the local level.
- 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.
- Maintains and preserves critical mandatory and optional services such as the Medically Needy program.
- Ensures Medicaid coverage for dual eligible clients (Medicare/Medicaid).
- Allows a Medicaid funding increase and expanded prescription coverage without any copayments.
- Enables the state of Florida to seek a waiver from the Department of Health and Human Services, Food and Drug Administration to allow state and local governments to explore the purchase of Canadian pharmaceuticals in an effort to reduce costs.

Broward County is one of five Florida counties which have participated in the State of Florida's Medicaid Reform Pilot Program. The current waiver for the Medicaid Reform Program expired on June 30, 2011 and has been extended temporarily pending approval by CMS. The Board opposes extending Medicaid Waiver and supports the creation of a medical program that ensures equitable access to services, provides improved prescription and oral health services and flexibility for participants based on their medical and financial needs.

The Medicaid Low Income Pool (LIP) provides support for the provision of uncompensated medical care incurred by approved state hospitals, clinics and other provider types to Broward County residents. The Board supports continuation and approval of LIP in the state of Florida's current Waiver Application. Further, the Board encourages adoption of flexible LIP Match Sources for Federally Qualified Health Centers by the Centers for Medicare & Medicaid Services to meet their annual match including funds self-generated for health related services to indigent and uncompensated patients.

In an effort to increase availability of Medicaid benefits to homeless persons, the County supports a provision in the Medicaid requirements section of the Affordable Care Act (ACA) that would make it easier for homeless people to access Medicaid benefits. In addition, the County supports the National Alliance to End Homelessness, Inc., in urging Medicaid to go even further and ask specifically about housing status of enrollees; this data could lead to better service delivery and improved understanding of how housing and health care are related in the Medicaid population. The proposed rule will streamline the way people can apply for Medicaid and simplify the way to prove their eligibility by allowing Medicaid to recognize "no fixed address" on an application, along with an indication of where the person intends to reside. This change would ease the approval process and could help avoid future problems that could arise if Medicaid needs to contact a homeless individual. Additionally, this would result in the funding of needed supportive services for Medicaid eligible homeless persons and these funded services could serve as match for HUD funded projects. Quick Medicaid eligibility certification would contribute to ending a person's episode of homelessness and to reducing recidivism as it provides access to supportive services necessary to address the underlying issues that result in homelessness.

The Board opposes legislation which:

- Diverts county funding for older adults, developmental disability, or behavioral health services, to managed care programs.
- Changes the funding formula for the Medicaid program between the federal and state government that would reduce the federal share to Florida.
- Eliminates statewide application of mandatory or optional Medicaid services for eligible recipients.
- Eliminates the upper payment limit or low income pool for the state of Florida.
- Requires proof of citizenship for receipt of Medicaid services.

MEDICARE

Legislation is critical to ensure the future solvency of the Medicare fund which serves more than 30 million elders (69 million by 2030) as well as those elders dependent on Medicare for all or part of their medical and long-term care coverage. The Board supports the elimination of the 24-month waiting period for individuals to access Medicare benefits after receiving a disability determination. The Board supports legislation which will ensure adequate funding of the Medicare program. Thousands of South Florida Medicare recipients rely upon daily prescription medication. The Board supports inclusion of prescription drug coverage within the traditional Medicare framework. The Board also supports permanent Medicare funding for medical immunosuppressant's and other related drugs. Further, the Board urges Congress to expand Medicare coverage for home- and community-based care as a cost-effective and evidence-based alternative to nursing home care.

Broward County is one of nine areas in which the Medicare Competitive Bidding Program (CBP) was implemented in January, 2011. The CBP established Round 1 of purchasing durable medical equipment, prosthetics, orthotics, and supplies through mail order. Round 1 does not include the Anti-Switching Rule that goes into effect in 2014. The Board supports Medicare efficiencies, but not at the expense of compromising a beneficiary's health. Of particular concern in the CBP is the supplies and equipment required to monitor diabetic patients. The Anti-Switching Rule requires contracted suppliers to furnish the brand of testing supplies that works with the beneficiary's monitor. Not requiring the Anti-Switching Rule could endanger the lives of beneficiaries or subject them to undue influence to experimenting with approved equipment or supplies.

SELF-SUFFICIENCY

The Board supports increased levels of funding for the Community Services Block Grant, which supplies core funding for local agencies assisting the lowest income families in America. Adequate funding levels for this program will increase self-sufficiency and reduce dependency on public funds. The Board also supports full funding at no less than \$5.1 billion to Florida for the Community Assistance Program and the Low Income Home Energy Assistance Program (LIHEAP). Funding cuts as currently proposed will leave many without assistance.

HOMELAND SECURITY

PERMANENT FEMA OFFICE

The Federal Emergency Management Agency's (FEMA) Long-Term Recovery Office in Orlando, Florida, was created in response to the slow recovery from the hurricanes of 2003 and 2004, and plays a vital role in the ongoing management of many outstanding issues related to past storms. Florida is ranked third in the country for natural disasters, yet Alaska, Mississippi, Alabama, Louisiana and Texas all have established permanent field offices. Therefore, the Board supports the permanent designation of Florida's FEMA field office. The Board also supports federal support of regional interoperability programs.

URBAN AREA SECURITY INITIATIVE

The Board supports the inclusion of the Miami/Fort Lauderdale Urban Areas Security initiative (UASI) as a funding recipient under the annual UASI grant program.

FUNCTIONAL NEEDS SUPPORT SERVICES

The Board supports inclusive planning efforts to ensure disabled individuals are able to access the County's emergency management programs, services, and activities, including appropriate sheltering services. However, the Board opposes any federal mandates that will require additional county expenditures relating to functional needs access to general population shelters.

INSURANCE AND CONSUMER SERVICES

DISASTER ASSISTANCE FOR INSURANCE DEDUCTIBLES

Florida is prone to hurricanes and, in recent years, has been struck by multiple hurricanes in one season. The Federal Emergency Management Agency (FEMA), through the Stafford Act, provides disaster assistance to local governments whose facilities are damaged by a natural disaster. The County is required to obtain insurance for its facilities and maintain it, as a condition of receiving FEMA assistance for a disaster-damaged facility. FEMA will not provide disaster assistance for damage or losses covered by insurance. While FEMA will reimburse the County for deductible costs incurred on a damaged insured facility, FEMA will not reimburse deductibles for the same facility damaged in a subsequent natural disaster of the same type. Accordingly, the Board supports an amendment to the Stafford Act that directs FEMA to reimburse local governments for 100 percent deductible costs incurred for an insured facility damaged by multiple same-type disasters, regardless of the number of events.

JUSTICE AND CIVIL RIGHTS

FEDERAL BENEFITS FOR UNCONVICTED INMATES

The Board supports reintroduction and passage of legislation that protects Medicaid and Veteran's benefits for residents in institutions for mental disease and that protects SSI/Medicaid health benefits for jail inmates prior to sentencing. The Board supports formal action, through HHS regulation, rules or guidance, to resolve any ambiguity about whether a person's incarceration status (including pretrial release and community control) affects his or her eligibility to enroll in a health plan under the Affordable Care Act, including further defining of the term "incarcerate."

FEDERAL COURTHOUSE

In 2005, a recommendation was made against the reconstruction of the Fort Lauderdale federal courthouse and for dividing Broward County's federal caseload between the Miami Courthouse and the yet-to-be-constructed Palm Beach Federal Courthouse. However, there is no doubt that all three courthouses are urgently needed in this region, which is the sixth largest metropolitan statistical area in the United States. The existing federal courthouse was built pre 9/11/2001, and thus lacks the security enhancements of newer federal courthouses. The Board strongly supports the retention of, and federal funding for, building a new federal courthouse in Broward County.

TRANSPORTATION

SURFACE TRANSPORTATION AUTHORIZATION

Broward County supports the passage of a long-term surface transportation authorization bill that includes the following:

- Funding beyond the current levels plus inflation. Additional investments must be made in order to sufficiently maintain and expand the national transportation system, as well as keep pace with technology, at a globally competitive level.
- Creation of a National Freight Program with dedicated funding.
- Expansion of the Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance program, but with provisions allowing projects under \$100 million to be eligible.
- Provides robust growth of the federal public transportation program and continued funding for the Mass Transit Account from Highway Trust Fund, thus preserving transit's long-term source of

dedicated funding, in order to maintain transit assets in a state of good repair, ensure stable funding for long-term capital investment projects, and meet growing ridership demand.

- Accelerated project delivery, without compromising environmental impact.
- Retains current 10 percentage set aside for Transportation Enhancements, as well as specific programs for Recreational Trails and Safe Routes to Schools. These programs are imperative to a comprehensive transportation network that provides options to all people and should be funded; not unduly targeted as a false method for solving inadequacies in the Highway Trust Fund (HTF).
- Allows toll revenue credits to be used for paying back TIFIA and to be an eligible local match for competitive grants.
- Enhanced role for metropolitan areas in allocating funds to regional priorities and the flexibility needed in programming federal funds to the highest need for those regions.
- Mechanics to reach full funding of the bill through congestion pricing practices. Broward County **opposes** diverting Outer Continental Shelf revenues to the HTF without first preserving OCS revenues at the fully authorized level for their original purposes of state and local conservation efforts.

FREIGHT MOVEMENT

Many of our nation's land and water connections are insufficient and outdated, affecting the ports' ability to move cargo efficiently into and out of the U.S. This hurts U.S. business, U.S. workers and our national economy. Broward County supports focusing scarce federal resources in those areas that can have the greatest impact on economic growth, immediate and long-term job creation, national security, and our current and future competitiveness in the global economy. Among the investment options, enhancements in seaport-related infrastructure should be a high priority.

Broward County supports the passage of S. 371, the Focusing Resources, Economic Investment, and Guidance to Help Transportation Act (FREIGHT Act), to improve the efficiency, operation, and security of the national transportation system to move freight by leveraging investments and promoting partnerships that advance interstate and foreign commerce. We urge Florida's U.S. Senators to cosponsor the legislation and work for its immediate passage.

PUBLIC TRANSPORTATION

The Board supports robust growth of the federal public transportation program. In addition, the Board supports continued funding for the Mass Transit Account from Highway Trust Fund, thus preserving transit's long-term source of dedicated funding, which is necessary to maintain transit assets in a state of good repair, provide stable funding for long-term capital investment projects, and meet growing ridership demand. The Board supports flexibility in Federal Transit Administration funding in order that local transit providers may use no less than 10 percent (as allowed with ARRA funding) for operations. Ridership broke records last year as many have come to rely on public transit as a result of increasing gas prices. Fares pay only 24 percent of the cost to ride on Broward County systems, and the ongoing economic downfall has reduced tax collections that we rely on to keep the system running. Flexibility in funding operations allows the County to avoid fare hikes at a time when consumers cannot afford it or a reduction in services at a time when ridership is at an all-time high and rising. Funding operations instead will protect jobs as the County is able to retain existing routes and expand into new ones.

CONGRESSIONALY-DIRECTED SPENDING

Broward County supports congressional directives that provide the U.S. Department of Transportation with guidance on the needs of a particular congressional district or state. This allows those with the best knowledge of the region to weigh in with recommendations on priorities for that region. Whether

through “earmarking” or congressional report language, Broward County strongly encourages Congress to re-engage in the decision making process for the distribution of scarce federal resources. Congressional direction ensures geographical distribution, urban equity and greater transparency by posting projects that have congressional support. Furthermore, it transfers responsibility for federal funding decisions back to those who are accountable to local communities.

WATER RESOURCES INFRASTRUCTURE

HERBERT HOOVER DIKE

The failure of the Herbert Hoover Dike surrounding Lake Okeechobee could have disastrous effects on the surrounding region, including Broward County. Reports have indicated that the Dike does not meet federal safety standards and may pose a threat to people and the environment. The Dike is currently undergoing rehabilitation with an estimated date of completion of 2030. During rehabilitation, water levels in the lake are maintained one foot below the historical average resulting in less water storage and regional water supply. Therefore, the Board supports continued federal funding for the complete repair and protection of the Herbert Hoover Dike around Lake Okeechobee. The Board also supports any and all actions by the federal government to expedite full rehabilitation of the Herbert Hoover Dike.

HILLSBORO PINES WATER AND SEWER INFRASTRUCTURE

The Board supports the City of Coconut Creek’s efforts to seek federal funding for installation of water and sewer infrastructure in the Hillsboro Pines area.

OFFSHORE WATERS

The Board has long recognized the necessity of protecting the County’s natural resources and has established strong environmental practices and regulations designed to protect and improve the quality of our water resources and dependent ecosystems. This is evidenced by the implementation of many County standards and operational practices which are more stringent than those of the state and federal governments. We strive to ensure that our policies and practices are guided by our environmental commitments, sound science, and accepted technologies.

National Ocean Policy

In July, 2010, the President signed an executive order creating the National Ocean Council and adopted a national policy that includes a set of overarching guiding principles for management decisions and actions toward achieving the vision of “an America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.” The National Ocean Policy will provide national and regional coordination on ocean policy which will lead to more efficient and effective management of our ocean resources. The Board supports the National Ocean Policy and coastal marine spatial planning for supporting the diverse uses and long-term sustainability of our nation’s coastal and marine resources.

Wastewater Disposal

Wastewater disposal has been an issue of great concern to the county as it seeks to address the obvious infrastructural needs of a growing urban population while protecting the natural systems that contribute to our quality of life and provide the foundation for our strong economy. We currently utilize all the available accepted technologies as part of our wastewater disposal practices and have supported regional efforts to ensure the continued protection of our coastal waters and reef system. Broward County, along with DEP, NOAA and others, is a partner in the Florida Area Coastal

Environmental Initiative (FACE), which is currently conducting a scientific investigation of the sources and relative contributions of various nutrient inputs to our coastal waters. The Board supports the efforts of the FACE stakeholders and strongly recommends that federal and state agencies implement a long-term coastal water monitoring program for the southeast Florida region. Monitoring will provide scientifically based information for making policy and regulatory decisions to control the impact of pollutants and to protect the coastal environment.

Coral Reef Protection

Southeast Florida's coral reefs have been found to make a significant contribution to the regional economy, providing \$4.4 billion in annual sales, \$2 billion in annual income, and 71,300 jobs. Consequently, the Board supports the efforts of the U.S. Coral Reef Task Force. Through the coordination of the National Oceanic and Atmospheric Administration (NOAA), stakeholders, including the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission (FWCC) and Broward County, have coordinated formation of an interagency and stakeholder strategy team for coral reef management and conservation. This strategy team is implementing a local action plan to improve coordination of technical and financial support for conservation and management of coral reefs from Miami-Dade County northward to the St. Lucie Inlet in Martin County. The Board supports this effort and the development of local action strategies for the conservation of this important resource.

Waste Tire Removal

In the early 1970s, 2 million tires were dumped into the Atlantic Ocean off the coast of Broward County, intended to create an artificial reef. Instead, approximately 700,000 tires spread over 34 acres, became loose and migrated to the outer face of the middle reef tract, creating a "dead zone" on the reef. To stop further destruction of the reef, the tires must be removed. A partnership of agencies has crafted a solution to this ongoing environmental threat, including the federal government, the state of Florida and Broward County. The Board supports removing the tires from the ocean and recycling them into products with a constructive use and encourages Congress to continue to fund the Innovative Readiness Training (IRT) programs and emphasize selection of IRT projects that will have a net environmental benefit.

WATERS OF THE UNITED STATES

Congress passed amendments to the federal Water Pollution Control Act, known as the Clean Water Act (CWA or Act), in 1972. The Act's primary objective was to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The CWA defined "navigable waters" as "waters of the United States, including the territorial seas." In using such a broad definition, Congress clearly intended for the Act to protect a wide spectrum of the nation's waters that could be used in or affect interstate commerce.

The U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (USACE), the two federal agencies responsible for implementation of the CWA, adopted regulations which defined the term "waters of the United States" to include: traditional interstate navigable waters; interstate wetlands; other waters such as "intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds by which the use, degradation or destruction of could affect interstate or foreign commerce; impoundments of waters; tributaries of the above waters; territorial seas; and wetlands adjacent to such waters or their tributaries.

Since the CWA's passage the U.S. Supreme Court has reviewed the extent of federal jurisdiction under the Act three times. The Court's most recent decisions in *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers*, and *Rapanos v. United States*, have, arguably, limited the Corps' expansive

exercise of jurisdiction pursuant to the CWA, specifically in reference to certain isolated, intrastate waters and wetlands that are not navigable-in-fact.

As the result of these court decisions, federal legislation has been filed to reaffirm the original intent of Congress in enacting the CWA, clearly define “waters of the United States” subject to CWA jurisdiction, and protect such waters to the fullest extent of federal legislative powers. Bills filed in the 110th and 111th Congresses would have replaced the present CWA phrase “navigable waters” with “waters of the United States” and adopt a definition which is similar to those adopted by the Corps and EPA. In addition, the bills would have included “activities affecting” such waters, and statutory jurisdiction to the fullest extent of the legislative power of Congress under the U.S. Constitution. This extension of congressional legislative power would have expanded upon the well-recognized constitutional authority for the CWA under the legislature’s power to regulate interstate commerce.

The Board has a long-standing commitment to strong environmental and water quality policies, including support for the Clean Water Act, and has consistently opposed regulatory or legislative action that would weaken water quality standards and undermine regulatory programs under the CWA. The Board supports legislation that:

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

For further information about Broward County's Legislative Priorities, please contact us.

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