

A large, stylized sun graphic composed of yellow brushstrokes, with a large circular arc forming the sun's body and several elongated, teardrop-shaped strokes radiating outwards to represent rays.

2009
***State
Legislative
Program***



**BOARD OF COUNTY
COMMISSIONERS**

BOARD OF COUNTY COMMISSIONERS



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COMMISSION LEGISLATIVE PRIORITIES

Section One

Climate Change/Energy

Support a State comprehensive Climate Change Action Plan, energy policies, and other initiatives to reduce carbon dioxide and other compounds in the atmosphere which will help to provide solutions for present and future generations, including ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic growth and prosperity. Additionally, support establishing state funding sources to assist local governments to develop and implement necessary climate change initiatives.

Condominium and Homeowner Association Fees

Support legislation which would allow condominium and homeowner associations to collect all delinquent assessment fees and have standing to sue lending institutions upon completion of foreclosure proceedings and repeal current state law which limits the collection of past due condominium or homeowner association assessment fees on foreclosed properties.

Florida Water Law

Ensure that the fundamentals of Florida Water Law, which are based on the principle that water is a public resource, remain intact and oppose any modifications to Florida's Riparian Rights laws that promote the underpinnings of Western Water Law.

Online Travel Companies

Amend existing transient rental tax law and local tourist development tax law to confirm that online travel companies utilizing a "merchant" or similar business model must collect and remit all state transient rental and local tourist development taxes when receiving from a customer the consideration for the lease or rental of a hotel room or other transient accommodation.

Prescription Drug Tracking Database

Support legislation to create a statewide prescription drug database to prevent drug abuse and illegal prescription drug trafficking.

South Florida Transportation Authority (SFRTA) Dedicated Funding Source

Support legislation that redirects the \$2 rental car surcharge authorized in state law and distribute the proceeds from the surcharge to each county that supports a regional transportation authority or authorize an additional \$2 surcharge to expand and enhance transit services.

Traffic Hearing Officer Program Funding

Amend state law to authorize a local option surcharge up to \$3 on traffic-related violations to provide continued funding for traffic hearing officer programs or enact legislation that authorizes the establishment of county or municipal traffic hearing officer programs.

POLICY STATEMENTS

Section Two

AIR QUALITY

Clean air is an essential natural resource that is important to public health, our environment, and our economy. Poor air quality can have significant impact on public health, business, property and tourism. **The Broward County Board of County Commissioners supports** legislation that would reduce air pollution and the adverse health impacts of poor air quality such as chronic respiratory ailments, asthma, cardiovascular disease, and premature mortality.

ANNEXATION

Broward County's unincorporated resident population is currently 14,080 or approximately 0.8 percent of the total population of 1,765,707. These residents occupy 3.4 square miles or about 0.8 percent of the land area which can be developed in seven recognized neighborhoods and several enclaves spread throughout the County's cities in parcels of varying size.

These scattered neighborhoods present a service delivery challenge for the County. In response to this circumstance, in 1995 the Broward County Legislative Delegation's Ad Hoc Committee on Annexation Policy (Committee) recommended that all remaining unincorporated areas be annexed, with the exception of the Conservation Areas and lands occupied by regional county facilities. **The Broward County Board of County Commissioners supports** full annexation and the policies contained within the Committee's report. The policies include, but are not limited to, the following:

- Residents should be given the right, wherever possible and reasonable, to choose which municipality to join and the right to vote on annexation by referendum;
- In furtherance of the goal of full annexation, the Broward County Board of County Commissioners opposes providing the option for a community to remain unincorporated and also opposes allowing municipalities to opt out of proposed annexation local bills;
- Upon approval of referendum, annexation should become effective regardless of the status of an interlocal agreement being executed among affected governments;
- Affected governments should execute interlocal agreements to include financially feasible plans for the transition of services, infrastructure and County employees;
- Infrastructure projects programmed by the County and adopted in the County's capital program should be completed through appropriate financing arrangements;
- Official partnership committees should be established to identify projects or issues of interest which may become part of any interlocal agreement;

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- Revenue neutrality should be defined as infrastructure improvements that are required to make the infrastructure of the neighborhood match that of the annexing city; and,
- Deannexation should be considered as a tool to make annexation of adjacent residential properties viable.

The Broward County Board of County Commissioners supports the use of straw ballots, opinion polls, or any other reasonable method of measurement to substantiate the wishes of the unincorporated residents as it relates to their annexation options.

ARTICLE V COSTS

Article V, §14, of the State Constitution divides the funding responsibilities for the state courts system, state attorneys, public defenders, court-appointed counsel, and clerks of the circuit and county courts, between the state and Florida's 67 counties.

The state must, through state revenues appropriated by general law or through filing fees in the case of the clerks of court, fund salaries, costs, and expenses associated with the personnel, operations, and certain capital improvements for the state courts system, state attorneys, public defenders, court-appointed counsel, and clerks of the circuit and county courts. Counties are responsible for funding communication services, existing radio systems and multi-agency criminal justice information systems, the construction or lease of facilities and their maintenance, utilities, and security for the state courts system, state attorneys, public defenders, and clerks of the circuit and county courts, and the reasonable and necessary costs associated with specialized local court programs.

Despite the clear delineation of the counties' funding responsibilities in Article V, the Legislature has continued to expand the counties' responsibilities to fund the state's courts system and associated elements. Most recently, the Legislature enacted Chapter 2007-62 which created the Offices of Criminal Conflict and Civil Regional Counsel in each of the five existing appellate judicial districts, and expanded the counties' responsibilities for funding guardian ad litem offices.

The Broward County Board of County Commissioners strongly urges the state to take responsibility for fully funding the state's court system and **opposes** the Legislature's continuing efforts to expand counties' funding responsibilities beyond the specific items authorized in Article V, §14(c) of the State Constitution. Additionally, **the Broward County Board of County Commissioners opposes** diverting to the state's trial courts the \$2 recording fee that is currently utilized by counties to fund the technology needs of the courts, state attorney's offices and public defender's offices, and **the Broward County Board of County Commissioners opposes** further expansion of the entities entitled to receive a share of the fee as it diminishes the funds available to the courts, state attorneys and public defenders.

POLICY STATEMENTS

ATTAINABLE HOUSING

Broward County, as well as the State of Florida, has a large unmet demand for rental housing. In order to adequately meet the needs of our population, **the Broward County Board of County Commissioners supports** legislation that would provide funding solutions that could be implemented locally in order to fund affordable housing projects and programs.

Additionally, **the Broward County Board of County Commissioners urges** the state legislature to remove the cap that was placed on the Sadowski Trust Fund and allocate all available funds to offer relief for our existing and future residents. **The Broward County Board of County Commissioners urges** the state legislature to ensure that 30 percent of the affordable housing units that are developed with tax supported funds be designated to serve households earning 30 percent or less of the area median income. **The Broward County Board of County Commissioners urges** the Florida Legislature to require the Florida Housing Finance Corporation to modify the Qualified Allocation Plan to allocate tax credits by a needs-based system, rather than the current system of a lottery.

BEACHES

Florida's beaches are a critical part of the State's travel and tourism industry, generating 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. U.S. Army Corps of Engineers' studies confirm that healthy beaches reduce flood damage to coastal properties, resulting in a reduction in Federal disaster rehabilitation payouts. The Florida Department of Environmental Protection estimates that more than one-third of Florida's 787 miles of beaches are in a state of critical erosion. **The Broward County Board of County Commissioners supports** the protection and retention of the dedicated use of documentary stamp revenues for beach erosion programs throughout the State of Florida in order to protect and maintain these essential elements that are vital to our environmental and economic infrastructure. **The Broward County Board of County Commissioners supports** and encourages the State of Florida to study and promote methodologies other than sand replenishment which would prevent or repair beach erosion. **The Broward County Board of County Commissioners also supports** and encourages the expansion of the Beach Glass Demonstration Project, including the State of Florida's financial support for constructing a regional glass processing facility.

CIVIL RIGHTS/HUMAN RIGHTS

The Broward County Board of County Commissioners 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 disabilities. In addition, **the Board supports and urges** the enactment of federal legislation that prohibits discrimination on the basis of gender identity and sexual orientation.

POLICY STATEMENTS

COMMUNICATIONS SERVICES

The advent of communications technology presents considerable opportunities for counties to enhance the quality of life in communities by providing regulatory powers over communication services in order to protect the health, safety and welfare of the public. There are significant fiscal and policy implications that will require prompt and thoughtful decisions about zoning, taxation, consumer protection and local government infrastructure.

The Broward County Board of County Commissioners supports establishing an equitable system that promotes improvements to the state and local tax and fee structure for products and services that will strengthen Florida's economy while maintaining revenue neutrality for local governments. **The Broward County Board of County Commissioners supports** the preservation of local government's responsibility to manage public resources, including but not limited to, public rights-of-way.

COMMUNITY SERVICES

The Broward County Board of County Commissioners has identified a strategic goal for cultural amenities and recreation which includes raising community awareness of the need for diverse cultural and historic amenities and programs and maintaining a network of parks and libraries that provides a variety of recreation and learning. An objective of this goal is to increase attendance and expand opportunities for participation in arts and cultural events. Recognizing the significant role that arts and culture play in our economy and quality of life, **the Broward County Board of County Commissioners supports** legislation that promotes and enhances the arts, culture, and historic preservation. **The Broward County Board of County Commissioners also supports** the continuation of recurring funding for cultural affairs and historic preservation appropriations request including capital projects. **The Broward County Board of County Commissioners also supports** an increase in statewide funding for the Entertainment Industry Financial Incentive Program.

Additionally, libraries are a free resource to the community that bring various learning opportunities to all. **The Broward County Board of County Commissioners supports** full funding of State Aid to Libraries based on the current statutory formula providing counties a match for every local dollar spent.

CONSUMER PROTECTION

Broward County has been a leader in the enactment of ordinances to protect its residents against unfair and deceptive trade practices. **The Broward County Board of County Commissioners supports** legislation that provides increased consumer protection for Florida residents. **The Broward County Board of County Commissioners opposes** legislation which would preempt local consumer protection including, but not limited to taxi and limousine permits, moving services and used cars.

POLICY STATEMENTS

ECONOMIC DEVELOPMENT

A major goal of 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, increasing the tax base, and encouraging diversity. **The Broward County Board of County Commissioners supports** policies to enhance economic development utilizing various tools and incentives to induce business expansion, targeted industry retention, new capital investment and job creation. **The Broward County Board of County Commissioners supports** the County's evolution into a global center for trade and investment. **The Board supports** legislation that promotes and enhances the growth of foreign direct investment, trade, and 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 Broward County Board of County Commissioners 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 Broward County Board of County Commissioners opposes** legislation that results in a disadvantage for County economic development, in general, and tourism, seaport, aviation, and transportation, specifically, if such legislation impedes the County's ability to make competitive business decisions.

EMERGENCY PREPAREDNESS AND MANAGEMENT

The Broward County Board of County Commissioners supports a viable and fully integrated and coordinated local, state and federal disaster response structure.

County emergency managers are the first to respond to citizens and visitors during all emergencies including terrorism and natural disasters. There are real and ongoing financial challenges for local governments, particularly law enforcement and other first responders.

The Broward County Board of County Commissioners supports an "all hazards" approach to emergency management, allowing local emergency managers the highest degree of flexibility in the expenditure of state and federal funds. Further, **the Broward County Board of County Commissioners supports** an increased commitment from the state to assist its emergency management partners in responding to all emergency situations.

EMERGING AND SMALL BUSINESS ENTERPRISE DEVELOPMENT

Recognizing the significant role business plays in our economy, **the Broward County Board of County Commissioners encourages** the growth and development of emerging and small business enterprises within our geographical boundaries. **The Broward**

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County Board of County Commissioners supports policies and legislation that assist small, minority, and women-owned businesses through such capacity building components as access to banking and financing, insurance and bonding, business development and management technical assistance, and mentor-protégée programming. In addition, **the Broward County Board of County Commissioners supports** prompt payment of contractors and subcontractors.

EMINENT DOMAIN

Eminent domain is just one of the useful tools available to local governments to ensure the development of necessary public infrastructure. The Florida Constitution and implementing statutory laws provide adequate protections to make sure property owners are fully compensated when their private property is taken by government for public use. Accordingly, **the Broward County Board of County Commissioners opposes** legislation that further restricts or preempts the powers of local government to effectively address critical infrastructure projects and other economic development projects that are vital to the economic prosperity of Broward County and the State of Florida.

ENERGY/CLIMATE CHANGE

The Broward County Board of County Commissioners supports legislation that promotes energy efficiency, renewable energy initiatives, modes of transportation that encourage fewer cars on the road such as public transit, and transportation that utilizes alternative/clean fuels. **The Broward County Board of County Commissioners supports** the development of a Florida Climate Change Action Plan that includes greenhouse gas (GHG) emission reductions targets, which do not preempt the County's authority to establish local GHG standards, **supports** legislation that provides incentives for local governments to participate in state energy policies such as green building and carbon emission reduction programs, and **supports** providing technical assistance and funding for counties to implement GHG emissions reductions programs. Additionally, **the Broward County Board of County Commissioners supports** the authority for states to regulate green house gas emissions that further the State's environmental and climate change goals.

ENVIRONMENTAL REGULATIONS

The Broward County Board of County Commissioners has long valued its ability to protect the County's natural resources through environmental regulatory programs such as surface water management, air quality and pollution prevention. **The Broward County Board of County Commissioners opposes** any legislation that lessens environmental protection at the local level including preemption of local authority such as through statewide or uniform rules, and statewide standards on issues related to environmental regulations and enforcement. In addition, **the Broward County Board of County Commissioners opposes** any efforts that would negatively impact the County's ability to regulate the wetlands resources of Broward County including through its delegated authority to implement the State's Environmental Resource Permit (ERP) Program.

POLICY STATEMENTS

EVERGLADES RESTORATION

The Broward County Board of County Commissioners supports Everglades Restoration and recognizes that improving water quality is a key component to restoring the Everglades. The County remains committed to improving water quality in the Everglades through its continued support of the intent and purpose of the 1994 Everglades Forever Act and, consistent with the U.S. District Court Ruling in 2008, **the Broward County Board of County Commissioners opposes** any efforts that would lessen or defer the State's responsibility to protect water quality in the Everglades. **The Broward County Board of County Commissioners supports** the efforts of the Broward Everglades Working Group and funding necessary to help ensure that water quality standards are achieved in the Broward County basin that discharges storm water into the Everglades.

The Broward County Board of County Commissioners supports the construction of the Water Preserve Area (WPA), and implementation of Decpartmentalization and other Comprehensive Everglades Restoration Plan (CERP) projects important to Broward County. **The Broward County Board of County Commissioners supports** federal and state funding and Congressional re-authorization of the WPA including the 13 mile-long north-south paved trail recreational component of the WPA. **The Broward County Board of County Commissioners also supports** continued State funding of the CERP to fulfill federal and state agreements.

For the purpose of reviving the Everglades River of Grass, on December 16, 2008, the South Florida Water Management District approved a real estate transaction to acquire 180,000 acres of land within the Everglades Agriculture Area at a cost of \$1.34 billion. In recognition of constraints of the current economic environment and to ensure that the District's core functions are protected, the Governing Board amended the proposal to include a termination clause relating to financial feasibility. Prior to closing, the Governing Board will verify the District's financial capacity to purchase the land without compromising the agency's ability to meet statutory mandates and legal obligations.

The Broward County Board of County Commissioners has long supported and championed efforts to restore the Everglades through policies, projects, advocacy and involvement in the development of and support for the Comprehensive Everglades Restoration Plan (CERP). If consummated, the River of Grass land agreement will go a long way to restore the Everglades and fulfill the fundamental goals of CERP. The restoration strategies proposed by CERP call for at least one million acre-feet of storage capacity to maintain ecological functions and sheetflow in the Everglades. In addition to providing the needed storage, this land acquisition would also reduce harmful discharges of nutrients and pollution from Lake Okeechobee into coastal rivers and estuaries and lessen physical strains on the Herbert Hoover Dike.

POLICY STATEMENTS

The Broward County Board of County Commissioners continues to support the Comprehensive Everglades Restoration Plan, and values the River of Grass land acquisition as beneficial to CERP. However, **the Board discourages** any actions that may impede the Broward County Water Preserve Area and Decpartmentalization Projects from going forward. The Broward County Board of County Commissioners recognizes that the Everglades is a national and state treasure and urges the State and Federal government to share in the financial responsibilities of the River of Grass land acquisition in support of Everglades restoration.

FINANCE AND TAXATION

Counties need a revenue base that serves local needs and adequately finances the services and programs required by state and federal mandates. **The Broward County Board of County Commissioners opposes** reductions or exemptions to the current state tax revenue sources unless replacement funding sources or reductions in mandates are included. **The Broward County Board of County Commissioners supports** the creation and enhancement of alternative public financing mechanisms at the local level to meet the ever-increasing demands on county government.

FLORIDA FOREVER AND SUCCESSOR PROGRAM

Florida Forever is critical to preserving and protecting the State's endangered natural resources and provides significant funding for local land acquisition programs such as Broward County's Safe Parks and Land Preservation Bond Program. **The Broward County Board of County Commissioners supports** the State's Florida Forever successor program as amended in 2008 and the funding of Florida Forever at newly adopted levels and not at the expense of other state environmental projects.

GROWTH MANAGEMENT

The Broward County Board of County Commissioners supports strong state growth management regulation including the amendments adopted by the Legislature in 2005 which provide for mandatory school elements and school concurrency, and enhanced water supply planning. **The Broward County Board of County Commissioners opposes** legislation that would restrict the County's ability to assess and collect impact fees in order to mitigate the impact of new development on public facilities and services.

Through its home rule authority and Charter, ratified by a vote of the public in 1974, Broward County was granted the authority to coordinate all countywide land use planning through the Broward County Planning Council. **The Broward County Board of County Commissioners opposes** legislation which would limit the County's land use planning authority. Furthermore, **the Broward County Board of County Commissioners supports** retaining and strengthening local government land use controls over the siting of power plants, transmission lines, substations and other energy infrastructure. **The Broward County Board of County Commissioners supports** continuation of Broward County participation in the State's Growth Management Pilot Program.

POLICY STATEMENTS

HEALTH AND HUMAN SERVICES

Broward County recognizes the importance of providing basic human services to protect and assist residents in need and has demonstrated its commitment to residents by providing county funding for the delivery of health, and human services with the purpose of promoting wellness and achieving self-sufficiency.

- **The Broward County Board of County Commissioners supports** local involvement in the formulation and implementation of policies that protect the health, mental health, safety and welfare of Florida’s residents.
- **The Broward County Board of County Commissioners supports** adequate and equitable funding for human services from state agencies’ budgets and opposes any funding reductions by the state in the areas of health, mental health substance abuse, and services to children, families and the elderly, including the homeless.
- **The Broward County Board of County Commissioners supports** legislation revising definitions of incapacity and incompetence and clarifying health care surrogate and living will directives.
- **The Broward County Board of County Commissioners supports** funding of the Aging Resource Centers (ARC) to coordinate long-term care services for seniors.
- **The Broward County Board of County Commissioners opposes** any efforts to increase counties contributions to Medicaid, especially the Nursing Home share.

Behavioral Health

The Broward County Board of County Commissioners encourages appropriate and adequate funding for substance abuse and mental health services. The Board seeks legislation:

- restoring funding removed from Substance Abuse TANF grants in the 2008 Session;
- transitioning Substance Abuse TANF funding to a recurring revenue stream, and;
- protecting current levels of funding for Substance Abuse and Mental Health Community Project grants.

Homelessness

The Broward County Board of County Commissioners opposes inappropriately discharging persons from publicly funded institutions who are homeless and in need of medical respite.

The Broward County Board of County Commissioners supports efforts to promote housing-first strategies throughout the State of Florida as part of the homeless services continuum of care.

POLICY STATEMENTS

Insurance Coverage Parity and Non-Discrimination

The Broward County Board of County Commissioners supports a health insurance mandate requiring any size health insurance plan, including individual plans, to cover early detection, therapy services and other forms of treatment for children under 18 years of age with developmental disabilities, including Down's Syndrome and spinal bifida.

The Broward County Board of County Commissioners supports efforts to encourage living organ donation, which include, but are not limited to, ensuring individuals donating organs and/or bone marrow are not denied health insurance coverage throughout the voluntary procedure, nor excluded from health or life insurance coverage subsequently, on the basis of having a "pre-existing" medical condition.

The Broward County Board of County Commissioners supports adequate Medicaid reimbursement for all organ transplants at the same rates used by Medicare or use of a global fee which takes into account actual costs.

The Broward County Board of County Commissioners supports insurance parity legislation, requiring coverage for behavioral health services and ensuring behavioral health care is provided through general health insurance policies. The Board further supports individuals and families receiving access to a full range of mental health and/or substance abuse treatment options through private and public health insurance plans.

Medicaid Reform Pilot

As a result of recent unfavorable results of independent evaluations of the Medicaid Reform program and the Agency for Health Care Administration's Inspector General's Report, **the Broward County Board of County Commissioners seeks** a repeal of the Reform Pilot in its entirety and opposes expansion of Medicaid Reform to additional counties. **The Broward County Board of County Commissioners supports** legislation that would mandate that the Agency for Health Care Administration ensure that the issues with Medicaid Reform pilot in Broward County are addressed and corrected. Specifically, **the Board supports** convening legislatively mandated workgroups, representative of all stakeholders, to navigate and successfully resolve the issues identified. Further, **the Board opposes** using financial incentives, like vouchers or free gifts, to encourage consumers to sign up with particular managed care plans. **The Broward County Board of County Commissioners supports** excluding transplant clients and others in need of catastrophic health care services from the Medicaid reform pilot program in order to ensure their ability to receive services.

The Board of County Commissioners opposes any legislation that shifts costs to counties resulting from reform or budget deficits or that diverts county funding to managed behavioral health care programs. **The Broward County Board of County Commissioners supports** the continued funding of the Medically Needy Program to assist residents with their prescription needs and supports the reduction of the amount of the co-payment. **The Broward County Board of County Commissioners**

POLICY STATEMENTS

supports unrestricted access to medication, the exemption of psychotropic medication from restricted formularies and opposes Medicaid's Restrictive Prescription Drug Formulary.

The Broward County Board of County Commissioners supports legislation that would mandate the Agency for Health Care Administration to have constant monitoring, accurate compilation of information for issues from consumers, while ensuring that Choice Counselors have all necessary information about reform plans including pharmacy formularies, so consumers can make informed choices.

Older Adult Funding

The Broward County Board of County Commissioners supports cost-effective, evidence-based programs that serve frail elders and allow older adults to "age in place." Specifically, **the Board supports** restoring funding to the Community Care for the Elderly (CCE) program and **opposes** any cuts to programs targeting community-based services for elders, which save the State of Florida millions of dollars in emergency and nursing home care, while offering autonomy and dignity to our aging citizens.

HOME RULE

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 Broward County Board of County Commissioners supports** maintaining the integrity of home rule power, which allows counties to develop and implement solutions to local problems. As a charter county, **the Broward County Board of County Commissioners opposes** legislative efforts that interfere with governance or local government administration.

HOMELAND SECURITY

Improvement of security measures has been given top priority at all levels of government. **The Broward County Board of County Commissioners supports** expanding a close working relationship with federal, state, and local government agencies to improve homeland security. Recognizing that local government is usually the first responder in crisis situations, partnership support and funding from all higher levels of government is essential. Security enhancements at Port Everglades and the Fort Lauderdale-Hollywood International Airport are of the highest priority to the County. **The Broward County Board of County Commissioners supports** state funding for equipment and technology to implement the Port and Airport security programs.

JUVENILE JUSTICE

The Broward County Board of County Commissioners opposes any efforts to shift additional Department of Juvenile Justice costs or responsibilities to counties and **opposes** compensating the state for any unfunded mandates regarding juvenile justice. **The Broward County Board of County Commissioners further**

POLICY STATEMENTS

opposes pursuing a solution through offering up a portion of the County's revenue sharing program. **The Broward County Board of County Commissioners supports** legislation to require the Department of Juvenile Justice to provide data necessary to process payments for pre-disposition detention and to resolve billing disputes prior to payment being made.

PERSONNEL

As major employers in the State of Florida, county commissions are directly accountable to thousands of residents and employees. County commissions are responsible at the local level for fiscal, administrative and personnel decision-making. **The Broward County Board of County Commissioners supports** home rule ability to effectively manage, at the local level, all aspects of employee salary and benefit packages in the best interest of taxpayers as well as employees. **The Broward County Board of County Commissioners supports** the ability to protect the privacy and safety of its employees.

PORT EVERGLADES

Port Everglades is recognized as the third largest cruise port in the world as well as one of the fastest growing containerized cargo business entities. It is the primary bulk cargo depot for South Florida, as well as the port of entry for most of the petroleum products distributed to users in 12 counties and provides jet fuel for three international airports. Port Everglades serves as a major regional economic engine with the ability to convert trade opportunities into real jobs with real incomes and, in so doing, to grow the state's tax base. At present Port Everglades supports approximately 200,000 jobs statewide and generates \$625M in state and local taxes.

The Broward County Board of County Commissioners supports:

- Continued and increased State funding with maximum flexibility for projects related to intermodal connectivity and other infrastructure at the port, which enhances the regional movement of freight, goods, and people, while stimulating the regional economy.
- State funding for maintenance of existing infrastructure security equipment and technology required to meet existing and new federal and state security mandates.
- Rules prohibiting state agencies from eliminating, deferring, or delaying capacity improvement projects contained in the five-year Work Program for those projects within three years of construction.
- Creation of a select committee within the Legislature to address issues related to Florida seaports.

SOVEREIGN IMMUNITY/GOVERNMENTAL LIABILITY

Florida statutory law waives the sovereign immunity of the state, its agencies and subdivisions for tort liability. The waiver, found in Florida

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statute §768.28, is limited to \$100,000 per person or \$200,000 per incident. This limited statutory waiver is justified by strong, long-standing public policy grounds including: 1) Protecting the public treasuries from excessive incursions; 2) Preserving governmental discretion thus enabling flexible decision-making without risking liability; 3) Preventing excessive judicial entanglements in the discretionary functions of the executive and legislative branches; 4) Protecting the orderly administration of government; and 5) Minimizing the chilling effect lawsuits may have on law enforcement officials carrying out their duties.

Expanding the liability of governmental bodies, by raising the monetary waiver limits, eliminating the Fabre rule of apportioning fault amongst all responsible persons regardless of whether such persons have been made parties to the particular action brought by the claimant, or by otherwise weakening other tort-related protections enjoyed by private and governmental defendants alike, will result in unwanted consequences. An increase in the number of frivolous claims, lawsuits, and the costs associated with litigation could result in significant negative impacts to many Florida local governments.

Accordingly, **the Broward County Board of County Commissioners opposes** any legislative efforts to weaken or eliminate, the sovereign immunity waiver limitations in Florida statute §768.28 or other tort-related protections governmental entities would otherwise enjoy as defendant parties. **The Broward County Board of County Commissioners further opposes** any legislative efforts to 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.

SUBSTANCE ABUSE

Broward County is committed to programs that assist in linking people with substance abuse issues into care and help prevent the transmission of blood borne diseases that are spread through exchange of used syringes. **The Broward County Board of County Commissioners supports** efforts to remove legal barriers on the use of funding for disease prevention for evidence-based syringe exchange programs.

TRANSPORTATION

Broward County is committed to providing a wide array of transportation options for residents, visitors, and commercial entities including public transit, airports, seaports, roads, bridges, and multi-purpose facilities. **The Broward County Board of County Commissioners supports** continued state funding for both operations and capital for transit, airport and seaport capital improvement projects as well as access to airport and port international trade databases. **The Broward County Board of County Commissioners supports** state legislation and funding that promotes safe, efficient regional interconnectivity and supports legislation that would reduce the local share for the statewide Transportation Regional

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Incentive Program (TRIP) to less than 50 percent. **The Broward County Board of County Commissioners supports** greater fairness and equity in the distribution of state appropriations for transportation improvements through formula-based methodologies.

The Broward County Board of County Commissioners supports state legislation granting local government's maximum flexibility in planning and funding for viable transportation systems and infrastructure and opposes legislation that pre-empts local government authority to regulate the impact of current and future Florida Department of Transportation projects. **The Broward County Board of County Commissioners supports** amending state law to provide that a portion of any excess toll proceeds generated from revenue-producing roadways within the County be designated to support the improvement and expansion of mass transit in Broward County.

The Broward County Board of County Commissioners supports preserving current law, which authorizes charter counties who adopted a charter prior to January 1, 1984 and county governments that have consolidated with one or more municipalities, to levy a 1-cent local option transit system sales tax and the discretion to distribute these revenues to municipalities pursuant to an inter-local agreement, and further supports a dedicated funding source for regional transportation.

The Broward County Board of County Commissioners opposes state legislation that preempts counties from regulating aggregate mining siting; although, the County understands the importance and need for aggregate in the region as a way to reduce costs for construction and transportation projects.

UNFUNDED MANDATES

Frequent state directives mandate local governments to provide services or programs without providing appropriate revenue or funding sources to implement or enforce the required activity. These unfunded mandates can compromise a county's ability to provide essential and discretionary services deemed appropriate by the local community. **The Broward County Board of County Commissioners opposes** any legislation that implements unfunded mandates on a local government's fiscal and public policy unless the state provides its own funding source.

WATER POLICY

The Legislature is expected to discuss Florida Water Law during the 2009 Legislative Session. Bills have been drafted to modify Chapter 373 and significant amendments to the fundamentals of Water Law are anticipated. Legislative issues recently under discussion relate to water supply policy, planning, production and funding with emphasis on multi-jurisdictional entities and how water is shared through inter-basin transfers. **The Broward County Board of County Commissioners supports** Florida's existing water law that is based on the principles that water is a public resource and that water allocations may not be sold or transferred.

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The County believes that current law provides sufficient protection for water and natural resources while also providing for reasonable and beneficial uses of water for the public. **The Broward County Board of County Commissioners opposes** modifications to Florida water law that would: a) change the guiding principles of the State's water laws, b) allow the sale of water allocations, and/or c) change the intent of local sources first provisions especially as it relates to the Central and Southern Flood Control Project and the Comprehensive Everglades Restoration Plan (CERP) implementation. **The Broward County Board of County Commissioners opposes** efforts to diminish the State's authority to reserve water according to State and Federal law or any other efforts that would negatively impact the Comprehensive Everglades Restoration Plan. Additionally and in keeping with recommendations of the 2008 Water Congress, **the Broward County Board of County Commissioners supports** policies that recognize conservation activities as a viable water supply planning option, reducing the need to develop other alternative water supplies and projects which can be offset by conservation strategies and **the Board supports** funding for water conservation activities that provide measurable results. **The Broward County Board of County Commissioners supports** dedicated and continued funding for Alternative Water Supply projects at or exceeding levels originally provided for through Chapter 2005-291, Laws of Florida, and legislative changes that would improve the project planning and development process to better meet the growing water supply needs of the County.

OTHER LEGISLATIVE PROPOSALS

Section Three

Affordable Housing Documentary Surtax

Amend state law to authorize Broward County to impose a documentary tax on the sale of commercial property to be dedicated to affordable housing as already authorized to the Constitutional counties.

Arrestee Medical Expenses

Amend and clarify state law regarding county responsibility for arrestee medical expenses.

Bid Confidentiality for Local Road Construction Projects

Amend state law to provide local government the same authority as the Florida Department of Transportation to protect the confidentiality of bid information for local road construction projects.

Captive Insurance

Amend state law to authorize counties to form single purpose, not-for-profit Captive Insurance Corporations to reduce insurance costs, improve coverage and deductibles and gain control over long-term windstorm and flood risk management policies for all or part of the county's real or personal property.

Central Examining Board Authority

Amend state law to allow a local enforcement board to hear state contractor complaints related to building code violations.

Cigarette Tax

Support legislation to increase Florida cigarette tax by \$1.00 per pack of cigarettes to increase general funds.

County Building Code Services

Amend state law to allow counties to provide building code services for, but not limited to, County owned facilities in order to provide expeditious processing, and uniform building code enforcement.

Crane Registration and Operator Certification

Amend state law to require crane registration and operator certification requirements in high-wind velocity counties to provide for the welfare and safety of the general public.

Criminal Mischief Statute to Protect Historical Resources

Amend state law to specifically cite historic resources in the Florida Criminal Mischief statute.

OTHER LEGISLATIVE PROPOSALS

Fertilizer/Urban Turf Rule

Oppose preemption of county authority to regulate the use and application of fertilizer. Support enhanced statewide promotion of the Florida Green Industries Best Management Practices as a basic level of water quality protection. Support legislation that would allow counties to develop regional approaches to fertilizer and other water quality issues that take into account particular local concerns relating to geology and hydrology.

Journey Person Supervision

Amend state law to require a journey person in a supervisory position on all construction projects.

Kidcare Continuation and Expansion

Support the continuation of the Florida Healthy Kids Program, expand outreach efforts to enroll more eligible children while covering children who are not Title XXI eligible, and eliminate any requirements on counties to participate as local matching entities.

Local Government Comprehensive Plan Review Period

Amend state law to extend from 30 days to 60 days, the period allotted for regional planning councils to review and submit to DCA any objections, recommendations, and comments on comprehensive plans and amendments.

Medicaid Reform Expansion

Oppose Reform Pilot in its entirety, as well as the expansion of acute care pilots and support the creation of workgroups to propose alternatives for health and long-term care reform, inclusive of Medicaid. In addition, ensure long-term care reforms are not included as part of any potential expansion (i.e. rolling Florida Senior Care into acute care pilots).

National Security Standard and Identification for Port Everglades

Amend state law to adopt the federal Transportation Worker Identification Credential (TWIC) as the single identification card for all Florida seaports that includes a biometric credential for port workers and visitors to authorize their unescorted access to secure areas of vessels and facilities.

Privatization of Transportation Facilities (Alligator Alley)

Amend state law to create a more transparent and inclusive process for the Florida Department of Transportation to follow when considering the leasing of state-owned toll roads.

OTHER LEGISLATIVE PROPOSALS

Property Appraiser Legislative Issues

Agricultural Classification Abuse

Amend Florida State Statute 193.461 to correct abuses of Agricultural Classification.

Appraisal of Real Property/Short Sales

Amend Florida Law or administrative rules to allow property appraisers discretionary factors to consider in deriving just valuations in down markets due to predominance of short sales due to unconventional or outdated terms of financing arrangements.

Conveyances Not Subject To Tax

Amend Florida law to allow for non-application of documentary stamp tax to the transfer or conveyance of homestead property or an interest therein between spouses.

Conveyances of Real Property To Include Actual Purchase Price

Amend Florida Law to include the actual purchase price of a property that is conveyed and recorded be identified in the daily schedule provided to property appraisers and to amend Florida Law to require that the actual purchase price or other value consideration paid for a property be legibly reflected in the conveying instrument.

Late Filing of Tax Exemptions

Amend Florida Law to enable applicants for homestead exemption to demonstrate extenuating circumstances to a county property appraiser in order to receive an exemption after the deadline for application.

Partial Payment of Property Taxes

Amend Florida Law to require tax collectors to accept any payment that is a portion of the total amount of taxes owed. Consistent with this proposal, interest and penalties are applied only to the amount of taxes that remain unpaid.

Presumption of Correctness and Burden of Proof in Property Tax Cases

Amend Florida Law to include the burden of proof shall be upon the party initiating the proceeding and such party shall have the burden of proving by a preponderance of the evidence that the assessment as established by the property appraiser or the value adjustment board is incorrect.

Rental of Homestead to Constitute Abandonment

Amend §196.061, Florida Statutes, to delete the word “entire” and clarify what constitutes a “dwelling” for purposes of determining abandonment of a homestead for tax purposes.

OTHER LEGISLATIVE PROPOSALS

Waiver of Affidavits for Nonprofit Homes for the Aged

Amend state statute to exempt nonprofit homes for the aged from collecting individual tax exempt status affidavits from individual elderly residents.

Reclassification of Canals

Oppose any attempt by the Legislature or Florida Department of Environmental Protection to reclassify canals or any other water body and oppose any other efforts that would lead to lower water quality and environmental standards.

Red Light Safety

Support legislation which allows the use of traffic detection cameras to enforce red light safety and allow civil infractions for violations.

Strategic Intermodal System Funding

Amend state law to add principal arterials category to the Strategic Intermodal System (SIS) to expand funding options under the program.

Supervisor of Elections Legislative Issues

Absentee Ballots

Amend state law to change the deadline for requesting absentee ballots from six days prior to an election day to 10 days prior to an election day and allowing for the opening of ballots for ballot tabulation 10 days prior to Election Day.

Early Voting Expanded Hours

Amend state law to expand early voting hours to 7:00 am to 7:00 pm on weekdays and weekends commencing on the Monday 15 days out from Election Day and ending on the Saturday before Election Day, with the exception of holidays falling within the time period.

Early Voting Expanded Sites

Amend state law to expand early voter sites from the current use of libraries, city halls, and Supervisor of Election offices to allow for the use of additional government owned facilities.

Mail Ballot Elections

Amend state law to allow the option of expanding the use of mail ballot elections.

Super Voting Sites

Amend state law to allow for the option of "super voting sites," which would allow citizens of any precinct in a county to vote at central locations on election day, similar to the existing system for early voting.

OTHER LEGISLATIVE PROPOSALS

Traffic Infraction Surcharge

Amend state law to increase up to \$30 the current \$15 surcharge on criminal and non-criminal traffic violations for court facilities; authorize a separate surcharge to pay any bonds issued to finance new court facilities; and allow the surcharges to be imposed concurrently.

TRIM Notices

Amend state statutes to allow counties to notice taxpayers of the portion/percentage of property taxes attributed to the Constitutional Officers.

TRIM Notices Use of The Original July 1st Certified Taxable Value To Calculate The Rolled Back Rate

Amend state law to allow for the use of the July 1st certified tax roll as a basis for the determination of the rolled-back rate calculation rather than using the revised tax roll.

Vehicle-For-Hire Federal Background Check

Amend Florida State statutes to allow for requiring federal criminal background checks in addition to the state background check for chauffeur applicants.

Vehicle Registration Check-off for Public Transit Fund

Support legislation to provide a voluntary check-off on motor vehicle registration applications for funding for public transit.

LOCAL BILLS

Section Four

Central Broward Water Control District

Technical amendments to add flood protection, rights of way, lien priority, removing archaic language, raising revising residency qualifications to qualify for office from 30 to 90 days, changing the time the commission has to fill a vacancy from 30 to 90 days, clarifying procedures when a deadlock occurs, allowing for RFPs for design build contracts consistent with FS 287.127, clarifying access to maintenance of district facilities and correcting legal descriptions of the six commission zones and of the district as a whole.

Plantation Acres Improvement District

Amendment to provide that the designation of the Plantation Acres Improvement District (PAID) Board of Supervisors be changed to a Board of Commissioners.

Southwest Ranches/Davie Annexation/ Deannexation

Annexation and deannexation of lands within the municipal limits of the Town of Southwest Ranches and the Town of Davie.

Tamarac Annexation

Annexation to extend and enlarge the corporate limits of the City of Tamarac to include specified unincorporated lands within said corporate limits of the City of Tamarac known as Prospect Bend.

Tourist Development Council of Broward County

Amendment to increase the number of members on the Tourist Development Council for Broward County from nine members to 11 members.

The Broward County Board of County Commissioners supports the expansion of the Tourist Development Council from nine to 11 members to better reflect the geographic and demographic diversity of the County. **The Broward County Board of County Commissioners opposes** efforts to include language in the bill to designate a specific group or individual for the additional appointments.

West Park/Pembroke Park Annexation/ Deannexation

Annexation to extend and enlarge the corporate limits of the City of West Park to include specified lands within the Town of Pembroke Park within said corporate limits of the City of West Park.

NOTES



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