

**2008  
STATE LEGISLATIVE PROGRAM**



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# POLICY STATEMENTS

## Section One

### AIR QUALITY

Clean air is an essential natural resource that is important to public health, our environment, and our economy. Poor air quality can adversely affect public health, business, property, and tourism. **The Broward County Board of County Commissioners supports** legislation that would reduce air pollution that would lead to reductions in associated health impacts such as chronic respiratory ailments, asthma, cardiovascular disease, and premature mortality.

### ANNEXATION

Broward County's unincorporated resident population is currently 13,722 or approximately .8 percent of the total population of 1,771,540. These residents occupy 5 square miles or about 1.2 percent of the land area which can be developed in 7 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;

- 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.

## ATTAINABLE HOUSING

Broward County, as well as the State of Florida, is experiencing a decline in inventory of rental and ownership affordable housing stock. In order to adequately meet the needs of our increasing 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% of the affordable housing units that are developed with tax supported funds be designated to serve households earning 30% 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 exploring the feasibility of constructing a regional glass processing facility.

## **COMMUNICATIONS SERVICES**

The advent of communication 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**

A goal of county government is to invest resources in cultural systems and cultural infrastructure that best support our region as a global destination, a center of learning, and a marketplace of diverse communities. 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 brings 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.

### **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 to induce business expansion, 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 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**

**The Broward County Board of County Commissioners supports** legislation that promotes energy efficiency, renewable energy, modes of transportation that encourage fewer cars on the road, such as public transit, and transportation that utilizes alternative/dean fuels. Global warming and energy security are critical issues for the State of Florida. Broward County believes a comprehensive energy plan must address these concerns and provide solutions for its citizens. **The Broward County Board of County Commissioners supports** establishment of the State Energy Commission and encourages inclusion of County interests on the Energy Commission to ensure that local government interests are served. **The Broward County Board of County Commissioners supports** the development of a Florida Climate Change Action Plan.

## **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 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 Decomartmentalization and other Comprehensive Everglades Restoration Plan (CERP) projects important to Broward County. Additionally, the County recognizes that the Everglades and associated CERP projects contribute valuable educational and recreational benefits to residents and tourists and that access to the Everglades is limited in Broward County. **The Broward County Board of County Commissioners supports** federal and state funding for 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.

#### **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 successful conservation, recreation, and public land acquisition programs including Florida Forever and the funding of Florida Forever at historical levels and not at the expense of other state environmental projects.

**The Broward County Board of County Commissioners supports** a successor program that stresses enhanced protection of the State's natural, cultural and recreational resources and supports increased funding levels to adequately address the needs. **The Broward County Board of County Commissioners also supports** the inclusion of a provision in the successor program to consider of the use of land as a mitigating factor for climate change.

#### **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.

#### **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** restoring the funding of the Homeless Challenge Grant program to the original 2002 funding levels.

**The Broward County Board of County Commissioners supports** adequate and equitable funding of all organ transplants to the same level applied to Medicare recipients.

**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** 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 Broward County Board of County Commissioners supports** adequate and equitable funding to serve residents of the region.

**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 supports** statewide funding for Community Care for the Elderly Programs through the Florida Department of Elder Affairs.

**The Broward County Board of County Commissioners supports** amending §901.35, Florida Statutes, to provide that: (1) eligible medical expenses of incarcerated individuals violating state law be paid by the state, and; (2) that payment of medical expenses for incarcerated individuals is limited to medical injuries or conditions directly caused by an arrest.

**The Broward County Board of County Commissioners supports** enacting legislation to modify the state's Medicaid eligibility policies to ensure that an individual's Medicaid benefits are not terminated, but rather suspended, when the person is arrested and incarcerated in a county jail while awaiting trial.

**The Broward County Board of County Commissioners opposes** any additional cost shifts in nursing home care.

While Medicaid Reform was approved for Broward and Duval Counties for FY 2006 **the Broward County Board of County Commissioners supports** legislation that requires accurate evaluations of the pilot program since implementation plans include expansion. **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. **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**

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

#### **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.

#### **HOME LAND 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 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.

#### **OCEAN OUTFALL**

The Broward County Board of County Commissioners 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.

Wastewater disposal has been an issue of great concern to us as we seek 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, which is currently

conducting a scientific investigation of the sources and relative contributions of various nutrient inputs to our coastal waters.

Local governments have invested heavily to develop existing wastewater disposal infrastructure and the treatment systems necessary to achieve current regulatory standards. **The Broward County Board of County Commissioners supports** legislation that utilizes sound scientific data to support any recommendations to minimize the use of ocean outfalls before proposing alternative disposal strategies that could potentially pose even greater environmental concerns for our communities.

#### **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.

#### **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 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.

## 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 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 Incentive Program (TRIP) to less than fifty 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** 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

**The Broward County Board of County Commissioners supports** legislation that maintains the existing funding levels for alternative water resource development and supports partnership programs that will help to meet growing water resource needs and goals of the County and State.

**The Broward County Board of County Commissioners supports** the development by the Florida Department of Environmental Protection, the Water Management Districts, and utility stakeholders of a water conservation guidance document that will provide a resource for utilities of varying sizes to develop and implement a goal-based water conservation program.

Additionally, **the Broward County Board of County Commissioners supports** conservation initiatives such as, public outreach and improved irrigation practices, as ways to conserve valuable water resources. However, **the Broward County Board of County Commissioners opposes** mandatory programs which may not be feasible or fiscally efficient for Broward County.

**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. 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, **the Broward County Board of County Commissioners supports** State and local efforts to jointly seek state funding to further drainage and other water management projects to improve flood protection and surface water quality.

#### **WETLANDS**

**The Broward County Board of County Commissioners supports** legislation that requires effective functional mitigation for impacts to wetlands which occurs as closely as possible to the area impacted, and which reflects the characteristics of the impacted area. **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.

The State and County have long recognized the unique and valuable role that isolated wetlands provide and have afforded appropriate protection of this valuable resource. Therefore, **the Broward County Board of County Commissioners opposes** efforts to modify existing law that may diminish the protection of isolated wetlands or legislation that would require counties to permit wetlands impacts in violation of local comprehensive plans, ordinances, or regulations. Additionally, **the Broward County Board of County Commissioners supports** efforts to reduce duplicative permitting so long as they do not lessen local government authority.

## **Appropriation Requests**

### **Section Two**

#### **Beach Erosion Control Project - \$1,012,300**

Support funding for sand replacement on approximately .5 miles of Pompano Beach, 1 mile of Lauderdale-By-the-Sea Beach, 3.5 miles of Fort Lauderdale Beach, 1 mile of John U. Lloyd Beach State Park, .1 mile of Dania Beach, 4 miles of Hollywood Beach and 1.1 miles of Hallandale Beach.

#### **Glass Beach Demonstration Project - \$350,000**

Support funding for permitting, environmental impact assessment, construction and environmental monitoring of the glass beach project.

#### **North Perry Airport Runway 9L/27R Overlay- \$1,629,600**

Support funding of a construction project for an overlay of runway 9L/27R at North Perry Airport; an overlay extends the life of the runway pavement and ensures a safe operating environment for aircraft.

#### **Northwest Federated Women's Club Building - \$500,000**

Support funding for repairs and renovations to the Northwest Federated Women's Club Senior Center, Building 1, which services low income elders within Broward County.

#### **Port Everglades Inlet Sand Bypassing Project Implementation - \$350,000**

Support funding the State 50% share of the estimated total costs of engineering/design, permitting, environmental impact assessment, construction, initial physical and environmental monitoring of the sand bypass project.

#### **Real Time Transit Information Systems - \$2,000,000**

Support funding for real time transit information systems to be implemented on the following corridors/routes: Sample Road (route 34 from A-1-A in Pompano Beach to NW 124 Avenue in Coral Springs); Oakland Park Blvd. (route 72 from A-1-A in Fort Lauderdale to Sawgrass Mills Mall, City of Sunrise); Sunrise Blvd. (route 36 from A-1-A in Fort Lauderdale to Sawgrass Mills Mall, City of Sunrise); Broward Blvd. (route 22 from Andrews Avenue Fort Lauderdale to Sawgrass Mills Mall, City of Sunrise); Sheridan Street (route 12 from North Beach Park, Hollywood to West Regional Terminal, City of Sunrise); University Drive (route 2 from Westview Drive in Coral Springs to Golden Glades Park and Ride, Miami-Dade County); Federal Highway (route 1 from Sample Road in Coral Springs to Aventura Mall, Miami-Dade County).

## **Legislative Proposals**

### **Section Three**

#### **Affordable Housing Sadowski Trust Fund**

Support legislation to remove the cap effective FY 07-08 placed on the Sadowski Trust Fund for affordable housing programs and support full utilization of the dedicated revenues in the fund for state and local housing needs.

#### **Alternative Water Supply**

Support continued and increased funding for Alternative Water Supply projects and legislative changes that would improve the project planning and development process to better meet the growing water supply needs of the County.

#### **Beach Renourishment Dedicated Funding Source**

Protect and retain the dedicated use of documentary stamp revenues for beach erosion programs throughout the State of Florida.

#### **Bid Confidentiality for Local Road Construction Projects**

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

#### **Broward Watershed Improvement District**

Oppose any attempt by the Broward Soil and Water Conservation District (BSWCD) to amend Chapter 582 F.S. to broaden the electorate eligible to vote on the formation of a Watershed Improvement District, such as effort to change the term "landowner" or "electors who are owners of freeholds" to "qualified elector".

#### **Climate Change**

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.

#### **Concealed Weapons or Firearms in Public Buildings**

Support legislation to prohibit the carrying of concealed weapons or firearms into public buildings or facilities and oppose any efforts to limit an employer's ability to establish policies and procedures for a safe work environment.

#### **Continuation and Expansion of KidCare**

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.

**Conveyances Not Subject To Tax**

Allow the addition or removing of any person who is JT RS, Life Estate Holder or remainderholder when no consideration changes hands and the grantor previously paid documentary stamps or fees on the same mortgage to which he or she would be expected to pay again on half of the outstanding balance.

**Cooperative Property Transfer**

Amend Florida Statutes to require the true amount of consideration be reported with all property transfers.

**Day Treatment Pilot Match Program**

Encourage the creation and usage of cost-effective, hospital-based day treatment by offering a state (AHCA) match to privately raised, non-county dollars for such programs.

**Developmentally Disabled Managed Care**

Oppose legislative action that would require developmentally disabled individuals to be served by public or private managed care entities.

**DRI Threshold for Hotel Development**

Amend Florida Statutes to reduce the DRI threshold, in counties with a population greater than 500,000, to 350 or more rooms, instead of 750 or more rooms.

**Duties of the Property Appraiser – Investigative Authority**

Amend legislation to allow County Property Appraisers to swear certain designated employees for civil investigative powers of enforcing authority. Such enforcing authority shall include the administration of oaths and affirmations, subpoena authority or matter and the collection of evidence.

**Elimination of Tangible Personal Property**

Amend the Florida Constitution and Florida Law to allow for the elimination of not less than \$25,000 of assessed value of personal property subject to tangible personal property for the purpose of ad valorem taxation, and allowing by General Law, inflationary adjustments.

**Expenditure/Revenue Caps**

Oppose any effort to amend the State Constitution to allow the Legislature to place artificial caps upon county and city governments. Further, oppose any legislation which seeks to impose revenue caps upon local governments including legislation disqualifying a local government's participation in the half-cent sales tax distribution under present state law.

**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.

**Financial Responsibility for Medical Expenses of Incarcerated Individuals**

Amend §901.35, Florida Statutes, to provide that eligible medical expenses of incarcerated individuals violating state law be paid by the state. In addition, amend said statute to provide that payment of medical expenses for incarcerated individuals is limited to medical injuries or conditions directly caused by an arrest; and in situations where the medical care received is deemed "catastrophic", create a cap on County liability.

**First Time Homebuyers Assessment Limitation**

Amend Article VII sec. 4, of the Florida Constitution to provide for county option for first time homebuyers of up to \$100,000 in assessment reduction over a five-year period.

**HMO and Nursing Home Medicaid Billing**

Amend state statutes to require AHCA and/or DCF to identify patients, verify residential status and address, and identify hospital treatment centers. Amend state statutes to supply a mechanism for appealing AHCA submitted invoices on the basis of residency or insufficiency of data.

**Independent Taxing Districts**

Support legislation requiring members of independent special districts with taxing authority to be elected.

**Information Technology Security Legislation**

Amend state statutes to exempt from the public records law any documents related to IT security tools used to monitor and protect local government's IT infrastructure for the general public and others who may do harm, damage or inappropriately obtain proprietary, confidential, or security information.

**Journey Person Supervision**

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

**Medicaid Eligibility of Incarcerated Individuals**

Enact legislation to modify the state's Medicaid eligibility policies to ensure that an individual's Medicaid benefits are not terminated, but rather suspended, when the person is arrested and incarcerated in a county jail while awaiting trial, facilitating presumed eligibility upon re-entry.

**Medicaid Nursing Home Cost Share**

Oppose legislation which increases the cost share to counties for Medicaid nursing home recipients in excess of the current \$55 per month per patient amount.

**Mobile Home Relocation**

Amend state statutes to:

- increase the notice time period when a park owner seeks to evict a mobile home owner due to a change in the use of a mobile home park from six months to 1 year;
- equalize the payments made by park owners to the Florida Mobile Home Relocation Corporation to the higher amounts paid by the Corporation to evicted mobile home owners under current law; and
- require park owners and mobile home owners to develop a mutually agreed upon relocation contingency plan that will apply when the park owner changes the use of all or any portion of the mobile home park and the change has the effect of displacing one or more home owners.

**National Security Standard and ID for Port Everglades**

Support legislation to create one universal identification card that includes a biometric credential for port workers and visitors in order to authorize their unescorted access to secure areas of vessels and facilities using either the Florida Uniform Port Access Credential (FUPAC) or the national Transportation Worker Identification Credential (TWIC) program.

**Nursing Home Medicaid Funding Share**

Allow Broward County to waive its Medicaid nursing home funding share and use those dollars locally to reduce costs through home and community based services to frail elders.

**Property Tax Administration – Research and Tabulation of Data**

Require the Florida Department of Revenue to produce an annual report showing which cities and counties increased property taxes during the prior year and by what percentage, and showing the percentage of property taxes paid by homestead, non-homestead residential, commercial and industrial properties. The report will also separate out the portion of the budget for County expenditures and each of the Constitutional Officers; budget expenditures directly resulting from state and federal mandates; and also outline the previous year's millage rate, amount of new property on the tax rolls and the proposed millage rate. Require county property appraisers and the Florida Department of Revenue to publish data using forms DR-403, DR-420 and DR-489 on their respective websites.

**Quit Claim Deed Usage Restriction**

Amend state statutes to require: 1) a statement of intent on all Quit Claim Deeds, and; 2) Quit Claim Deeds, not prepared by a licensed attorney or licensed title company, be presented for recording in person, accompanied with a valid photo identification.

**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 for civil infractions.

**South Florida Regional Transit Authority (SFRTA)**

Support legislation that reauthorizes the \$2 rental car surcharge and distributes to each county that supports a regional transportation authority all surcharge proceeds generated in such county to expand and enhance transit services.

**State Funding Formulas**

Amend state statutes to adjust formula distribution to recognize the differential costs in providing services statewide and to maximize the amount of state funds to which Broward County is entitled under various state programs pursuant to adopted state funding formulas.

**Statewide Stormwater Standards**

Oppose any attempt by the Legislature or the Florida Department of Environmental Protection (FDEP) to reduce water quality treatment standards. Oppose any preemption of local government authority over the nature and quality of stormwater discharges.

**Strategic Intermodal System Funding**

Amend state statutes to add a transportation facilities category to the Strategic Intermodal System (SIS) to expand funding options under the program.

**Tax Collector Authority**

To provide the Tax Collector additional enforcement tools to collect delinquent tangible personal property taxes by making the property owner personally liable for delinquent taxes (i.e., making the owed taxes a personal debt), authorizing the Tax Collector to contract with private attorneys and private collection agencies to collect delinquent taxes, and requiring delinquent taxpayers to pay the cost of collection.

**TRIM Notices**

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

**Tire Removal**

Support Florida Department of Environmental Protection's funding request for the removal of approximately 700,000 waste tires that were placed offshore in the early 1970's for the creation of an artificial reef.

**Value Adjustment Board Hiring Special Magistrates**

Amend F.S. 194.035(1) to allow for the hiring of Special Magistrates by Value Adjustment Boards.

**Value Adjustment Board Modifications**

Support legislation maintaining the current membership as statutorily mandated, oppose changing the wait period for rescheduling hearings, and oppose the refunding of filing fees.

## LOCAL BILLS

### Section 4

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#### **Repeal of Obsolete Municipal Annexation Special Act**

Repeal of Chapter 74-442, which prohibits municipalities from annexing any property unless the municipality has adopted a land use plan. This is an obsolete special act.

#### **Repeal of Obsolete Platting Special Acts**

Repeal of special acts enacted prior to the effective date (January 1, 1975) of the Broward County Charter.

#### **Repeal of Obsolete Tax Assessor Special Act**

Repeal of Chapter 61-1960, relating to plats by the tax assessor.

#### **South Broward Utility Advisory Board Membership**

Support local bill to change the membership requirements of the South Broward Utility Advisory Board by eliminating the two appointments by Broward County Board of County Commissioners and replacing them with two appointments by the Town of Southwest Ranches.