



## 2020 STATE LEGISLATIVE PROGRAM



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# Fundamental Statements

*Broward County prides itself on being fiscally responsible and transparent. Broward County believes in the fundamental concept that the government closest to the people is the appropriate authority to serve the needs of the community. Broward County is AAA bond-rated and urges the state to establish policies based on evidence and encourage a balanced approach to delivery of service and protection of taxpayers.*

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## **FLORIDA ASSOCIATION OF COUNTIES**

Support the Florida Association of Counties (FAC) Legislative Program and Guiding Principles, unless specific issues conflict with County positions.

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## **HUMAN RIGHTS/CIVIL RIGHTS LEGISLATION**

Support legislation that seeks to include hate crimes committed because of disability, gender, and gender identity.

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## **FIREARMS REGULATION**

Oppose the open carry of firearms in government owned facilities, educational institutions, courthouses, and healthcare institutions; and the Legislature's attempt to prohibit local governments from implementing firearms regulations.

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## **GENERAL REVENUE**

Oppose any efforts that further erode the capability of local governments to fulfill their financial obligations or provide necessary services to their residents.

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## **UNFUNDED MANDATES**

Oppose legislation which shifts the financial burden from the state to local government.

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## **MAINTAINING LOCAL AUTHORITY**

Support the integrity of local authority, which allows counties to develop and implement solutions that address unique local issues.

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## **MEDICAID EXPANSION**

Support a state implemented Medicaid expansion to provide affordable healthcare coverage for nearly one million Floridians who are uninsured.

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## **FIVE-YEAR WORK PROGRAM FUNDING**

Support continued funding for projects in the Florida Department of Transportation's (FDOT) adopted Five-Year Work Program, which are prioritized based on the level of the return on investment. The Program provides a reliable source of capital funding and facilitates the ability of Florida Ports to be competitive.

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## **SOUTHEAST FLORIDA REGIONAL CLIMATE CHANGE COMPACT AND RESILIENCE LEGISLATIVE PROGRAM**

Support the Southeast Florida Regional Climate Change Compact; State Energy; and Climate and Resilience Legislative Program, unless specific issues conflict with County positions.

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## **SOVEREIGN IMMUNITY**

Oppose legislative efforts to increase or eliminate the sovereign immunity waiver limitations in current law.

## Commission Priority Issues

*The following six (6) issues have been designated as priorities for advocacy to the Legislature during Session, by the Broward County Board of County Commissioners.*

### **AFFORDABLE HOUSING**

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Support full use of the dedicated revenues provided by the Sadowski Affordable Housing Act for Florida's housing programs and projects. Specifically, full funding for the State Housing Initiative Partnership (SHIP) and State Apartment Incentive Loan (SAIL) Programs aiding income eligible residents, including seniors and individuals with disabilities. Oppose any diversion of housing trust fund monies for purposes unrelated to the affordable housing needs of Floridians.

### **BEHAVIORAL HEALTH AND SUBSTANCE ABUSE NEEDS**

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Support the protection and full funding of the existing behavioral health safety net in Broward County. The Board also supports state funding and additional resources to address the significant unmet behavioral health needs within the County, including multidisciplinary teams; and permanent, supportive, and transitional housing. The County requires community support services, extended acute care beds, and integrated primary/behavioral health programs to provide services to special populations. The Board supports recurring funds designated to the County's Children's Community Action Treatment Teams (CAT), Family Intervention Treatment Teams (FIT), and Florida Assertive Community Treatment Teams (FACT). The Board also policies and legislation that regulate recovery residences. Support the Broward Behavioral Health Coalition's (BBHC's) FY 19-20 Legislative Priorities and Funding Requests.

### **\*UPDATED\* COMPREHENSIVE WATER REFORM**

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Support legislation intended to assess and regularly report the financial need to address Florida's water infrastructure relating to water supply including conservation, the protection of water quality, stormwater, flood control and environmental resource protection and restoration.

Support legislation that promotes the identification of potential sources, for adequate funding, to address the documented water infrastructure needs, as well as, the development of prioritized and science-based grant programs for the implementation of projects identified by local governments, the water management districts, and state agencies.

Support legislation requiring the assessment and evaluation of state agency efforts to address sea level rise and other weather impacts on the county. Support continued funding for research and mitigation for blue-green algae and red tide events.

Support a minimum of \$50 million in state funding for beach nourishment and inlet management projects.

Support legislation and funding initiatives to increase alternative water supply funding, including stable or increased funding for the Water Sustainability and Protection Program and state funding of the Leah Schad Memorial Ocean Outfall Program.

Support funding to water management districts for resiliency initiatives which include updating design standards, planning and regulatory criteria, and level of service studies to maintain project compatibility, and infrastructure connectivity under potential future climate conditions.

## **\*UPDATED\* CRIMINAL JUSTICE REFORM**

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The Board strongly supports the inclusion of funding for a feasibility study for the Broward County Juvenile Detention Center within the Department of Juvenile Justice's (DJJ) budget request. The Center has outlived its usefulness and is no longer a safe environment for juveniles to be detained. The Board also supports the investment within such facilities to enhance the conditions of secure confinement for detained youth, specifically, in providing comprehensive services that will assist in decreasing juvenile offender recidivism. The Board supports all public safety initiatives, funding for much needed public safety facilities, and the implementation of policies protecting countywide emergency communication infrastructure.

Support funding for organizations providing pre-apprenticeship, apprenticeship, or internship programs for disadvantaged youth. The Board also supports continued funding for organizations providing re-entry programs.

The Board supports language to amend state law to avoid conflicts between the State Attorney and the Independently Operated Citation program. The Board also supports the repeal of language found in state law, which provides the State Attorney "review" a civil citation or prearrest diversion program, established by the county prior to October 1, 2018. These changes ensure that all countywide – Independently operated citation programs – operate without interference by the State Attorney, so long as the Department of Juvenile Justice, approves of such program, annually. Finally, support the expungement and sealing of juveniles who have successfully completed a probationary or rehabilitation program, specifically a County operated civil citation or prearrest diversion program. The Board also supports funding for de-escalation and crisis intervention training for law enforcement officers.

Supports legislation that stops the practice of direct file for children under the age of 18 and requires all decisions to transfer children to the adult system be made by a judge based on testimony and evidence presented in a hearing, with a presumption in law that children should remain in the juvenile system.

## **ECONOMIC DEVELOPMENT**

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Support continued funding for the Black Business Loan Fund and Hispanic Business Investment Grant Fund. Support legislation that would increase funding for economic development programs in low-income/high poverty communities, and create and fund Sister City programs, which would stimulate economic development within Broward County. Support legislation providing guidelines for the state and local government to leverage Opportunity Zone incentives to stimulate private partnership investments within the underserved community.

Support legislation that assist small and disadvantaged businesses through such capacity building components as access to banking and financing, insurance and bonding, business development, technical assistance trainings, workforce development and mentor-protégé programming. Also support policy and funding for workforce development, apprenticeship, and pre-apprenticeship programs.

Support film, television and digital media production, and other entertainment grant opportunities that would focus on local talent and businesses, in turn increasing local revenue and tourism.

Support legislation that offers incentives for investors that provide employment and contracting opportunities for those living in all Florida Designated Opportunity Zones.

## **FRACKING**

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Support legislation clarifying that no oil or gas permit may be issued unless a county, like municipalities, approve the application for oil or gas drilling projects within its jurisdiction. Oppose preemption of local regulation of extreme well stimulation and oil and gas exploration and extraction, including hydraulic fracturing.

# Local Bills

## CONSTITUTIONAL DUTIES | CLERK OF THE COURT

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Support this local bill that allows county voters to determine whether the county-related functions stay with the County government or be transferred to the Clerk of Court on January 7, 2025. The functions of ex-officio clerk of the Board of County Commissioners, county auditor, recorder and custodian of all county funds has resided with the County government for almost 46 years. The bill language is currently being worked out between the sponsor and interested parties.

## **\*NEW\*** SENIOR SERVICES DISTRICT

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Support the creation of a countywide Senior Services District. The independent special district will fund and provide services to seniors throughout Broward County. The governing body of the independent district will be known as the Senior Services Council of Broward County (Council). It will be tasked with providing and maintaining preventative, developmental, treatment-based, and rehabilitative services for the general welfare of seniors. Additionally, the Council will allocate and provide funds to other agencies that operate for the benefit of seniors; collect information and statistical data that will be helpful in deciding the needs of seniors in the county; and seek local, state, federal, and private grants/donations. As more seniors are “aging-in-place” or relocating to South Florida, specifically in Broward County, the creation of a Senior Services District provides the elderly population with a sustainable solution pertaining to their specific needs.

## AFFORDABLE HOUSING DISCRETIONARY SURTAX | BROWARD COUNTY HOUSING TRUST FUND

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Support this local bill that creates a dedicated source of funding for Affordable Housing in Broward County. The ability of Broward County residents to have a discretionary documentary surtax will be a dedicated source of funding for the charter established *Broward County Affordable Housing Trust Fund*. The discretionary surtax is designed to provide gap funding not available from the state due to annual “raids” of the Sadowski Affordable Housing Trust Fund. Like Miami-Dade, Broward seeks to send \$0.60 of documentary stamp revenues to the state, of which \$0.10 will be used for administrative purposes. An additional \$0.45 tax will be applied, in which all monies will go directly into the *Broward County Affordable Housing Trust Fund*. The surtax will seek reauthorization by voter referendum every 12 years.

Updated local bill developments can be found on the Legislative Delegation’s website:

<http://www.broward.org/legislative/Pages/Default.aspx>



# County Appropriation Requests

## **\*NEW\* HIV TEST AND TREAT PROGRAM | \$1 MILLION**

*The program will immediately link newly diagnosed and previously diagnosed -but out of care individuals to medical treatment, medications, and other support services, by providing the necessary anti-retroviral medications at the initial medical appointment. Ensuring access for individuals to be tested, knowing their status in order to dispense appropriate treatment and/or preventive interventions helps to reduce HIV new infections as well as encourage those living with HIV to live healthier lives.*

### **Use of Funds and Implementation**

To supplement the purchase of anti-retroviral medications specifically prescribed for Test and Treat clients. It is important to note that Test and Treat covers the cost of medications prior to an individual being eligible for coverage under benefit assistance programs such as the AIDS Drug Assistance Program, etc. This is needed since the cost of medications and the number of individuals engaged in Test and Treat has outpaced the available funding.

### **Background**

Broward County ranks second in the nation in new HIV infections. In May 2017, the Florida Department of Health and the Broward County Ryan White Part A Program launched the “Test and Treat Program.” The program is a goal identified in the 2017-2021 Broward County Integrated HIV Prevention and Care Plan to address the HIV epidemic in the local community.

The premise of the program is to link newly diagnosed and previously diagnosed individuals (who have been out of care for more than 6 months)- to medical treatment, medications, and other support services on the same day. At the initial medical appointment, anti-retroviral medications are dispensed by the medical provider. The Test and Treat program approach aligns with research from the San Francisco RAPID model and the Haiti Study which indicate that early medication therapy leads to better treatment adherence and retention which increases health outcomes for viral load suppression which renders the virus undetectable and untransmissible.

In the first two years, the program has successfully linked approximately 1,594 people, in Broward County, to care. Clients who have remained in care after being engaged through Test and Treat have achieved viral suppression rates of 75% and 65% for the first two years, respectively. Funding this program will drastically improve the physical health of individuals diagnosed with HIV because the anti-retroviral medications allow an individual to become virally suppressed (virus is undetectable and untransmissible), resulting in the reduction of new infections within the community. This health initiative has proven to be effective. Ensuring access for individuals to be tested, knowing their status in order to dispense appropriate treatment and/or preventive interventions helps to reduce HIV new infections as well as encourage those living with HIV to live healthier lives.

## **\*NEW\* JOINT CRIME LAB FACILITY (MEDICAL EXAMINER/BROWARD SHERIFF'S OFFICE)**

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*The Medical Examiner's Office and the Broward Sheriff Office Crime Lab currently function separately and both facilities need updating. A new – jointly operated – Crime Lab Facility will provide both agencies with the synergies and efficiencies. Combining the two will provide for necessary collaboration and uses of technological advances, while maintaining the separation of the missions.*

### **Use of Funds and Implementation**

Funding would be spent for pre-construction, engineering, and design for a new joint medical examiner/crime lab facility for the medical examiner's office, forensic toxicology, and trauma services.

### **Background**

Specifically, the BSO Crime Lab, located in the Broward County Courthouse, provides all public law enforcement agencies in Broward County with scientific forensic analysis of physical evidence. BSO's Crime Laboratory is the only full-service, internationally accredited laboratory in Broward County, receiving over 20,000 cases per year.

BSO Crime Laboratory's forensic scientists, supported by a dedicated and hardworking administrative and evidence intake staff, are skilled and knowledgeable subject matter experts that use their technical expertise, in various forensic science disciplines, to serve the needs of the criminal justice community of Broward County.

Unfortunately, the fully accredited agencies – Medical Examiner and BSO – are working in outdated, outgrown facilities. The current facilities are incapable of supporting the emerging technology in these fields. By not building a new facility, BSO and the Medical Examiner cannot fulfill their mission to serve the criminal justice needs of Broward County.

## **\*NEW\* LONG ACTING INJECTABLE BUPRENORPHINE – PILOT PROGRAM | \$158,184**

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*The Broward County Addiction Recovery Center (BARC) seeks to implement a pilot program making long-acting injectable Buprenorphine available to individuals suffering from severe opioid use disorder. The target population are the largely indigent, without health insurance, and have insufficient housing and social supports to manage daily dosing of oral Buprenorphine. Without additional funding, the County will continue experiencing rising emergency, medical, and clinical services costs. Additionally, when individuals are not engaged in drug use or alcohol addiction, they are able to be working, which directly puts more money back into the economy and as healthy individuals contributing to the community, they can provide innovation, bigger and better ideas and solutions.*

### **Use of Funds and Implementation**

Funding will assist in reducing the costs and services related to emergency room visits, medical examiners, detoxification, and first responders' functions. The program will provide medication assisted treatment services to 45 clients. The county contribution of \$52,728 will be used to serve an additional 15 clients. Specifically, clients will receive:

- 2 months of extended release injectable buprenorphine medication at a cost of \$1,680 per injection.
- An initial assessment and education services at a cost of \$155.19 per 1-hour session.

The pilot program will address the need to provide effective treatment for individuals who suffer from severe opioid use disorder by using long-acting injectable Buprenorphine instead of a daily dose of oral Buprenorphine. Daily dosing with oral buprenorphine is an effective treatment, however many individuals lack the social supports to effectively and safely utilize that option. Long-acting injectable Buprenorphine provides an even more effective option that these individuals can safely utilize. The program will provide residential, intensive outpatient and outpatient treatment, depending on individual needs and progress, concurrently with the administration of the long-acting Buprenorphine. No patient will receive medication without concurrent substance use disorder treatment at BARC.

### **Background**

Opioids, mainly synthetic opioids, are the main driver of drug overdose deaths responsible for 47,600 overdose deaths in 2017 (67.8% of all drug overdose deaths). The epidemic continues to worsen with the evolution of synthetic opioids. Because long term abstinence remains elusive for many suffering from moderate/severe opioid-use disorder, intensified prevention and response measures are urgently needed to curb deaths involving prescription and illicit opioids, like illegally manufactured fentanyl.

Annually, BARC provides a comprehensive array of services to 3,400 individuals with substance use disorders especially opioid use disorder, which is far reaching. In 2017, a total of 2,367 overdoses were treated in the emergency room. Heroin accounted for 85% of those cases. Increasing recovery would reduce those visits. As the Department of Health (Broward County) reports, there is a correlation between risky sexual behavior and opioid misuse. It stands to reason that reducing opioid abuse will decrease the number of unwanted pregnancies, sexually transmitted diseases, hepatitis A, hepatitis C, and HIV.

BARC has integrated Medication-Assisted-Therapy (MAT) into the treatment regimen and has found success in the use of daily treatment with oral naltrexone. However, participation is limited by daily reporting requirements and success rates are reduced with poor treatment adherence. Studies have found that long-acting formulations like buprenorphine result in increased treatment adherence and patient retention.

## **NANCY J. COTTERMAN CENTER – CRISIS INTERVENTION PROGRAMS | \$500,000**

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*The Nancy J. Cotterman Center (NJCC) improves and enhances the quality of life for child and adult victims of human trafficking, sexual assault, child abuse, and abuse through effective forensically sensitive interventions implemented by professionals specializing in the fields of human trafficking, sexual assault, child abuse, and abuse. Victims will have the support needed to successfully go through the criminal justice system increasing the likelihood of reporting and successful criminal prosecution of the offender.*

### **Use of Funds and Implementation**

Funding for the NJCC programs will not only assist the child victims, but also adult victims, disabled, homeless, and underserved community, all of whom fall prey to sexual assault, human trafficking, and abusive offenders. The Advocate Program will affect a minimum of 300 victims of sexual assault and abuse; and the Anti-Human Trafficking Program will provide direct and intensive services to 20 victims yet reach the entire community with and educational outreach program.

Both programs seek to empower at-risk individuals, victims (survivors), and county residents to come aware, get involved, and report these horrifying incidents so the offender may be full prosecuted. They also seek to provide a comprehensive array of direct and intensive intervention services to victims in order for them to maneuver through the criminal justice system and everyday life.

### **Background**

Child abuse, abuse, and sexual violence are not isolated problems and victims experience self-blame, guilt, shame, embarrassment, and might be hesitant and mistrusting of law enforcement and the prosecutors at the SAO. The fear of not being believed or of being accused of playing a role in the crime, along with a lack of overall trust in the criminal justice system speaks volumes to the unwillingness to cooperate and follow-through with the prosecution of the offender. In fact, on average 68% of sexual assault are not reported to law enforcement, and even when reported, arrest and prosecution is unlikely. Reporting increases the likelihood of the offender being criminally prosecuted because 2% of rapists and offenders serve a prison sentence. Even more impactful, is that for every 100 instances of rape – seven (7) lead to an arrest – of which only three (3) are referred to prosecutors. this program not only assists the child victims, but also the disabled, homeless, and the underserved community, all of whom fall prey to these sexual assault and abusive offenders.

While the Advocate Program empowers county residents to get involved and report the incidents of sexual assault, abuse, and violence – the Anti-Human Trafficking Program was created to target child victims and potential victims of human trafficking. The program is structured to provide victims and potential victims with general outreach services and life skills training through group empowerment sessions. It also encourages and enables members of the community to get involved to reduce instances of human trafficking in Browrd County.

# Statewide Appropriation Requests

*The County supports the recurring, continued and/or increased funding for the following statewide programs, which have significant local economic, health, and safety impacts countywide.*

## **CHALLENGE GRANT PROGRAM FUNDING | \$5 MILLION**

The need to support individuals experiencing homelessness is more critical than ever. The Challenge Grant Program authorized by s. 420.622(4), F.S., assists the local homeless Continuum of Cares (CoC) in meeting the needs of individuals and families experiencing homelessness as identified in the CoC Plan. Statutory language also provides that each CoC may be awarded up to \$300,000 annually. Funds are utilized for housing navigation, as it is a priority identified in the updated CoC plan. In 2019, the number of unsheltered homeless increased by 484, totaling 1,350 individuals – a 64% increase from the previous year (2018).

### **Use of Funds and Implementation**

The funds are administered through subrecipients for the purposes of funding housing navigation services through for individuals experiencing homelessness in Broward County. In FY 19-20, Broward County received \$119,000, which is not enough to service the number of homeless individuals in the community. In order to effectively service the number of homeless individuals in Broward, a minimum of \$300,000 should be allocated to the County from the recurring statewide budget allocation.

Full funding will allow the county to retain two Full Time Equivalent (FTE), who search for housing options for individuals experiencing homelessness. The funds also assist with client incidentals to assist with move-in costs and prevent a return to homelessness. As a result of a reduction in funding, the number of individuals served has decreased. In FY 2018, 196 households were served compared to 185 in FY 2019.

### **Background**

There are 27 Continuum of Cares throughout Florida. Permanent Housing and Rapid Rehousing providers make referrals to the Housing Navigators through the Homeless Management Information System (HMIS) in order to gain assistance in locating rental units. The Housing Navigators have access to various landlords who are familiar with the homeless population and are willing to be flexible in assisting the tenants.

Generally, the Challenge Grant Program is fully-funded at \$5 million. However, in FY18-19, the grant was funded at \$3.5 million. There was some difficulty receiving funds timely, as the budget failed to include proviso language authorizing the Department of Economic Opportunity to transfer funds to the Department of Children and Families.

During the 2019 Legislative Session, \$3.2 million was allocated statewide – this is still not enough. In Broward County alone, the 2019 Point in Time (PIT) count increased by 484 individuals experiencing homelessness. Therefore, there is a need to fully restore the Challenge Grant in order to meet the housing demands of individuals and families experiencing homelessness.

## **CORAL REEF FUNDING | \$2 MILLION**

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*Coral reefs are not only a vital natural resource supporting rich, unique habitats, but also support a vibrant diving and fishing industry and provide important protection to beaches and coastal property by attenuating the energy of storm surges and waves produced by tropical storms and hurricanes.*

### **Use of Funds and Implementation**

Continued funding is necessary to reduce waste tires in the ocean off the shore of Fort Lauderdale. Similarly, continued recurring funds are necessary for coral reef disease monitoring and research programs for the Southeast Florida Coral Reef Ecosystem.

### **Background**

During the 1970s, between one and two million tires were put in the ocean off Broward County's coastline to create an additional fish habitat. This is known as the Osborne Reef and over the years, many of the tires shifted around due to tropical storms and hurricanes. This movement has and continues to cause damage to nearby existing coral reefs. The threat is serious, but the complexity and magnitude of the challenge of removing these tires have prevented any individual government agency from doing so. With the funding obtained in past years, the County has been successful in removing a total of 300,000 tires.

Recently, several varieties of coral reefs, found off the South Florida coast, have been suffering from a mysterious and devastating coral disease epidemic. This endemic disease was first reported off the coast of Miami-Dade County in 2014, this outbreak now spans from the northern extent of the reef tract in Martin County down to Sand Key in the Lower Keys. Like the Osborne Reef Tire Removal project, the recurring funds for Water Quality Monitoring and Coral Reef Disease research are still needed, as the causes and possible solutions to the outbreak have yet to be identified.

Coral reefs are valuable natural resources. They protect our coastline by reducing wave energy from storms and hurricanes. One study estimates that annually over 5,600 people, \$560 million worth of building infrastructure, and \$320 million worth of economic activity in Florida are protected from storm-related flooding by reefs. Additionally, millions of tourists enjoy recreational activities on our coral reefs. It is estimated that the coral reefs between Martin and Miami-Dade Counties generate \$3.4 billion in sales and income and support 36,000 jobs in the region each year.

## **CULTURAL AND LIBRARY GRANTS FUNDING**

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Support the Florida Cultural Alliance's Legislative Platform calling for the full restoration of cultural affairs programming grants, as arts and culture support jobs, tourism, and education.

Support increased funding for the State Aid to Libraries Program to \$33 million; and support full funding of projects eligible for Public Library Construction Grant funding.

**HOME HEALTH AND COMMUNITY BASED SERVICES FUNDING | \$19.4 MILLION**

Historically, Home and Community Based Services for seniors have been funded at a deficit.

Program Name	FY 19-20 Request	FY 20-21 Request
Alzheimer's Disease Initiative	\$2,162,586	\$4,200,498
Community Care for the Elderly	\$10,716,576	\$14,394,275
Home Care for the Elderly	\$607,403	\$812,196

**Use of Funds and Implementation**

According to the actual care plan cost averages, a funding increase will most likely provide the County with \$1.9 million, of which 230 of the County's most frail and vulnerable seniors will be served. As of June 30, 2019, there were 62,346 Floridians languishing on the Department of Elder Affairs Assessed Prioritized Consumer List, which 2,643 are Broward County residents.

**Background**

*Florida's Alzheimer's Disease Initiative (ADI)*

ADI provides services to meet the changing needs of individuals and families living with Alzheimer's disease and similar memory disorders. ADI respite care is available for caregivers of adults age 18 and older, who have been diagnosed as having probable Alzheimer's disease or other related memory disorders, where mental changes appear and interfere with daily activities. Respite services include in-home, adult day care, emergency, and extended care (up to 30 days) for caregivers who serve patients with memory disorders. The ADI also provides for support services including case management, specialized medical equipment and supplies, caregiver counseling and support groups, and caregiver training

*Community Care for the Elderly (CCE)*

CCE provides community-based services organized in a continuum of care to help functionally impaired elders live in the least restrictive yet most cost-effective environment suitable to their needs. Eligible clients may receive a wide range of goods and services, including: adult day care, adult day health care, case management, case aide, chore, companionship, consumable medical supplies, counseling, escort, emergency alert response, emergency home repair, home-delivered meals, home health aide, homemaker, home nursing, information and referral, legal assistance, material aid, medical therapeutic services, personal care, respite, shopping assistance, transportation, and other community-based services.

*Home Care for the Elderly (HCE)*

HCE supports care for Floridians age 60 and older in family-type living arrangements within private homes, as an alternative to institutional or nursing home care. A basic subsidy averaging \$106 per month is provided for all program participants. Special subsidies are authorized for some consumers and can be used for incontinence supplies, medications, medical supplies, wheelchairs, assistive devices, ramps and home accessibility modifications, nutritional supplements, home health aide, home nursing, and other services to help maintain the individual at home. Formal case management is provided when needed.

# County Policy Proposals

*Each County Department, Division, Office, and Section has the opportunity to submit proposed policy proposals. These proposals address specific issues that may be addressed in the current Legislative Session or carried over until the policy has been successfully implemented or removed by the Commission, whichever comes first.*

## **\*NEW\*** AFFORDABLE HOUSING CAPITAL FACILITY & IMPACT FEES | Housing

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### **Requests**

[Amend s. 163.318, F.S. – Concurrency, to include “affordable housing unit construction” in the definition of “capital facility”](#) | This would provide stronger authority for the County to apply impact fees for affordable housing to commercial development by defining affordable housing as a “capital facility” under state law. In addition, affordable housing impact fees would provide a source of revenue for the funding of affordable housing programs and projects, and ultimately increase the supply of affordable housing units in Broward County.

[Require that affordable projects funded by impact fees, remain affordable over the long term \(e.g., minimum of 30 years\)](#) | Doing this will most likely result in commercial developments paying additional impact fees. County residents would benefit from an increased number of affordable housing units. Local governments would benefit from collection of impact fees to fund affordable housing programs and projects, and affordable housing developers and agencies would benefit from increased funding.

### **Background**

In 2019, the Legislature approved Ch. 2019-165, L.O.F., which authorizes counties and municipalities to continue using inclusionary housing ordinances that require a developer to provide a specified number or percentage of affordable housing units within a development or, in lieu of, allow a developer to contribute to a housing fund or other alternative. In exchange, however, a county or municipality must provide incentives to fully offset all costs to the developer for its affordable housing contribution. Incentives may include:

- Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designations;
- Reducing or waiving fees, such as impact fees or water and sewer charges.

Additionally, the law codifies the dual rational nexus test by requiring an impact fee to be proportional and have a rational nexus both to the need for additional capital facilities and to the expenditure of funds collected and the benefits accruing to the new construction. Local governments must designate the funds collected from impact fees for acquiring, constructing, or improving capital facilities to benefit new users.

Affordable housing is one of the most critical issues facing Broward County. While we are expecting a significant increase in job growth across the county and region, the shortage of affordable workforce housing has risen exponentially. Recently, Florida International University’s Metropolitan Center updated a 2014 Rational Nexus Study for Broward County. The Study found that new commercial development creates demand for new affordable housing, resulting in a rational nexus between development and the imposition of impact fees required under state law. More than 911,000 very low-income households pay more than 50% of their income on housing and these individuals and families are one missed paycheck away from homelessness.



### **Request**

Amend s. 393.3065(3)(c), F.S. to allow for ancillary non-supplanting funds may be used with the state approved grant provided to the Broward Sheriff's Office (BSO) in order to improve its investigative services to abused, neglected, or abandoned children, and families involved in the child welfare system within the county.

### **Background**

Florida's child protective investigation units are responsible for receiving and responding to reports of child abuse and neglect, which involves gathering information and making a formal determination of whether child maltreatment occurred, or the child is at risk of abuse or neglect and providing the child with protection if needed. While the Department of Children and Families (DCF) is generally responsible for conducting child protective investigations, the state budget funds six sheriff offices to do so: Broward, Hillsborough, Manatee, Pasco, Pinellas, and Seminole. Four of these six sheriff offices are specifically tasked in statute with this responsibility. These county sheriffs receive grants from DCF that are intended to cover the costs of conducting the required child protective investigations.

The BSO entered into a grant agreement with the Department of Children and Families (DCF) to perform all child protective investigations for Broward County. The language within the BSO/DCF grant states "the authority for the Grantee to perform the specific functions of this contract is derived from the Florida Legislature through Chapter 39, F.S. Furthermore, the State is the sole source of all funding, as provided by s. 39.3065, F.S., and other applicable sources". This language restricts Sheriff's from receiving funding from any other source to support or improve child safety.

**Request**

Create a new section of law, providing for the exemption from public records, the structural components and location of all countywide Public Safety Communication Towers.

**Background**

The public safety communication towers are a vital link in the chain of survival. Every 911 call will be eventually handled via first responders using this system. This eventuality makes the protection of this critical system a public necessity, as any disruption during an active shooter or other terror event would very likely result in greater loss of life and greater property damage. To function properly, the towers need to be visible, which decreases security. Therefore, protection of detailed construction or contents is even more important to provide a level of protection against possible destructive targeting as in a complex coordinated terrorist attack (CCTA). A CCTA consists of several small teams whose intent is to overwhelm a jurisdiction’s capabilities by targeting multiple geographically dispersed locations and maximizing fatalities through attack methods and denial of access to casualties.

**Request**

Inclusion of a dedicated funding line item within the Department of Juvenile Justice (DJJ) for the study, renovation and/or new construction of detention centers that are in a state of disrepair as identified in the 2017 DJJ Detention Center Study, authorized by Senate President Joe Negron. The Board also supports the investment within such facilities to enhance the conditions of secure confinement for detained youth, specifically, in providing comprehensive services that will assist in decreasing juvenile offender recidivism.

**Background**

The Broward Juvenile Detention Center is a 95 bed, hardware secure facility that serves youth detained by various circuit court(s). Youth are detained pending adjudication, disposition or placement in a commitment facility. The facility provides supervision and services such as: education, mental health, substance abuse, and health care. Medical and mental health are contracted services. Educational services are funded by the Department of Education through local school districts. While the average stay is 10 days, the facility can no longer be appropriately maintained or repaired. The need for new construction is apparent when entering the facility.

## Requests

[Amend s. 985.12\(2\), F.S., to avoid conflicts between the State Attorney and Independently Operated Civil Citation Program \(not Circuit Court created\)](#) | The state attorney of each circuit shall operate a civil citation or similar prearrest diversion program, *only* in Circuits that do not have an existing civil citation or similar prearrest diversion program operating as of October 1, 2018.

[Repeal language found in s. 985.12\(2\)\(c\), providing the State Attorney “review” civil citation or prearrest diversion programs established by the county prior to October 1, 2018](#) | Independent operator shall work in collaboration with the State Attorney, Public Defender, law enforcement, and interested community stakeholders to ensure circuit-wide input. Additionally, the Independent Operator shall make quarterly program reports available to stakeholders.

## Background

Since 2017, there has been conflicting and differing opinions about the language and authority of the State Attorney, implied in s. 985.12(2), F.S. The State Attorney’s interpretation is that he/she has unlimited access to all youth-specific data including but not limited to all demographic information, assessments, provider reports, and personal information. The County’s interpretation is that “review” of the program is narrowly tailored to only the specific review of independent operators’ policies and procedures, **only if** the Circuit Court has established a program similar to the already established countywide program. As the State Attorney’s Office does not have an established civil citation program, he/she has no authority to request confidential information from the County. The Broward County State Attorney operates its own prearrest diversion program – which is fundamentally different than a civil citation program.

Broward County has been operating a successful county-wide civil citation program since 2012. The program was established in accordance with s. 985.12 F.S. with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved, including additional stakeholders in Broward County which includes but was not limited to Broward County Government, Department of Juvenile Justice (DJJ) and it’s Circuit Advisory Board, the Public Defender, the Children’s Services Council of Broward County, the Department of Children and Families, and the NAACP. When any major changes to the Florida Statutes occur, the Stakeholders are brought together to discuss and determine the best solution or approach.

This county-wide program has been the only existing program in the 17<sup>th</sup> Circuit since 2012 and is both operated and funded by Broward County Government and the Department of Juvenile Justice. There are 14 municipalities in Broward County that are supported by their own law enforcement agencies and an additional 17 municipalities that are supported by the Broward County Sheriff’s Office. Each of the law enforcement agencies in Broward County sends its civil citation referrals to the Broward County Program, which is the single point of entry and exit. This ensures the process for referring and serving youth across Broward County is consistent, equitable and fair.

Since its initial implementation, the County’s program has been expanded to include the responsibility of conducting a Department of Juvenile Justice approved risk and needs assessment to every youth referred to the program. The program assesses an average of over 800 youth per year.

## **Request**

Support legislation to reform Florida’s sales and use tax laws that apply to online/remote/e-commerce sales from out of state retailers.

## **Background**

Florida levies a 6 percent sales and use tax (sales tax) on the sale or rental of most tangible personal property, admissions, transient rentals, rental of commercial real estate, and a limited number of services. Sales tax is added to the price of the taxable good or service and is collected from the purchaser at the time of sale. A dealer then remits the collected taxes to the Department of Revenue. Florida imposes a use tax on items sold by an out-of-state dealer and delivered to the in-state purchaser via mail. However, use tax compliance almost nonexistent.

States would prefer the out-of-state dealer collect the state’s sales tax at the time of sale and remit those taxes to the state. Recently, the U.S. Supreme Court interpreted the Commerce Clause of the U.S. Constitution to require that a dealer have a “substantial nexus” with the taxing state before the taxing state may require the dealer to collect its sales taxes. In 1987, Florida adopted its “mail order sales statute,” which defines a mail order sale to be the sale of tangible personal property, ordered from a dealer who receives the order in another state and then causes the property to be transported to a person in this state – satisfying the physical presence test.

On June 21, 2018, the U.S. Supreme Court decided *South Dakota v. Wayfair*. *Wayfair* involved a new South Dakota sales tax collection statute and Wayfair, Inc., a large online retailer that sells and ships tangible personal property to customers all over the United States. At the time of the decision, Wayfair, Inc., had no physical presence in South Dakota. The *Wayfair* decision overturned the “physical presence test” resulting in the state’s ability to collect sales taxes; however, the substantial nexus remains in place. Presently, Florida is one of only two sales tax-imposing states that have not implemented the U.S. Supreme Court’s seminal 2018 decision authorizing states to impose sales tax collection responsibilities on remote sellers lacking a physical presence in the state.

### **Request**

Amend ss. 409.9071 F.S., s. 409.9072, F.S., and 409.908, F.S. to remove limitations to the program in the provision of health services in order to increase the amount of federal funds that can be drawn down for schools and school districts. This potential of additional federal funds could be used to expand medical school-based services, such as staffing of school nurses, mental health practitioners, or other health care professionals at school sites.

### **Background**

Florida Medicaid Certified School Match Program (Program) provides school districts, charter schools, and private schools the opportunity to enroll in Medicaid as a provider, thus sharing in the cost of providing certain school health services for students who are Medicaid recipients. Under the program, schools and school districts use state and local funds to pay for covered health services for which the Agency for Health Care Administration (AHCA) in turn reimburses with matching federal Medicaid funds. Participants in the program can employ or contract directly for the following health services: Physical therapy; Occupational therapy; Speech therapy services; Behavioral health services; Mental health services; Transportation services.

Until 2014, the Centers for Medicare and Medicaid Services restricted reimbursements to only Medicaid recipients who had an Individual Education Plan (IEP) or Individualized Family Service Plan (IFSP). During this time period, (AHCA) who administers the Medicaid program received federal approval to seek federal Medicaid funds to cover the cost of providing services covered by the program to Medicaid recipients without requiring the recipient to have an IEP or IFSP.

## **Request**

Support legislation amending the Sunshine Act, expressly allowing members of the same governing body to simultaneously participate in informational meetings and teleconferences held during a state of emergency relating to issues about the state of emergency.

## **Background**

Florida's Government in the Sunshine Law, section 286.011, Florida Statutes, has been applied to any gathering of two or more members of the same board to discuss some matter that foreseeably will come before that board for action. The statute requires, among other things, that notice of such meetings must be provided. Section 252.38(3)(a)5., Florida Statutes, provides a political subdivision the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- a) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
- b) Entering into contracts.
- c) Incurring obligations.
- d) Employment of permanent and temporary workers.
- e) Utilization of volunteer workers.
- f) Rental of equipment.
- g) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
- h) Appropriation and expenditure of public funds.

According to Op. Att'y Gen. Fla. 2004-58 (2004), the waiver of the notice requirements required under the Sunshine Law is not among those listed [above], although the statute does recognize the authority of the political subdivision to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community. The notice requirements under the Sunshine Law require only "reasonable" notice. Such notice is variable and dependent upon the circumstances. Thus, the notice required under the Sunshine Law during an emergency clearly may be different than that required for regular meetings. The Advisory Legal Opinion of the Attorney General has advised that emergency meetings should be afforded the most appropriate and effective notice possible under the circumstances (e.g. use of media).

## **Request**

Amend state law allowing local governments to foreclose on tax warrant liens on hotels or other short-term rental properties in an orderly manner; and a provide a statutory method to pierce the corporate veil when the taxpayer and the property owners are owned by separate legal entities, specifically if those entities are affiliated. These changes would ensure that the taxing authority and other lienholders are paid, and the tax cannot be evaded by the use of undercapitalized shell corporations.

## **Background**

An undercapitalized corporation in Broward County owes more than \$1 million in delinquent taxes, penalties and interest. A lien was levied against the taxpayer, but it remains delinquent. The real property is owned by a revocable trust controlled by the corporation's president, not by the corporation. The County cannot direct the sheriff to sell the real property because the property is titled in name different from that of the taxpayer. The County filed a declaratory judgment to establish the right to seize and sell the real property. However, the Court has expressed doubt as to whether s. 213.29, F.S. is an available remedy. There may be other remedies but collecting the tax would be easier if a statute expressly authorized an orderly foreclosure in this type of situation. Overall, the County Convention and Visitors Bureau's (CVBs) would benefit from the recovery of tax revenues.

Pursuant to s. 125.0104, F.S., Broward and other counties levy a Tourist Development Tax (TDT), which is a sales tax on short-term rentals such as hotel rooms and CVBs. TDT revenues are property of the taxing authority once collected and failing to remit TDT is theft of government property. s. 212.15, F.S. authorizes local taxing authorities to issue assessments and tax warrants, which become a lien on the real and personal property of the taxpayer in the same manner as a recorded judgment. The taxing authority can then direct the sheriff to levy upon the real and personal property of the taxpayer. This is the only method of foreclosure upon a tax warrant lien, and it is extrajudicial – it's done without court intervention unless, the taxpayer seeks court intervention.

S. 213.29, F.S. provides that if the officers of a corporate taxpayer, either personally or through employees, intentionally fail to collect and remit taxes, they are personally liable for the unpaid tax. Unfortunately, the applicability of this statute to the TDT is not expressly stated. This ambiguity enables the taxpayer to avoid paying the TDT, allowing the taxpayer and the real-property owner to remain legally separate entities, ensuring the taxpayer entity remains undercapitalized.

**Request**

Allow counties to enact reasonable regulations and/or ordinances which impose a fee or require the licenses on wreckers and towing operators, and adopt specific amendments agreed-to by the towing industry, in order to continue operating the County program.

**Background**

In 2014, the Broward County Board of County Commissioners enacted a new ordinance regulating companies that tow or immobilize motor vehicles in Broward County. The ordinance had an effective date of April 1, 2015. All businesses that tow vehicles in Broward County, both consent and non-consent, must have a license by April 1, 2015. Sections 40.50 and 27.150(f)(6) of the Broward County Administrative Code require both licensing fees and non-consent towing rates to be reviewed annually prior to October 1st and increased by either the annual percentage change in the Consumer Price Index (CPI) or 3 percent, whichever is less.

*The County does not have a per tow fee for towing companies, however, does charge a licensing fee, which goes toward enforcement. If there is no ability to charge a licensing fee – that is collected and placed into an enterprise fund (not general revenue) – then the County will not be able to enforce the law, as tow operators must give out a consumer "bill of rights" when returning a car to someone, letting them know of their right to contest fees, and other consumer protections.*



## **Request**

Support legislation amending tree trimming laws to require a licensed arborist physically inspect a tree prior to removal; provide definitions for “residential” property; and provide clear and defined standards using Tree Assessment Qualification Standards when determining what constitutes a “danger” to persons or property.

## **Background**

Currently, Florida has 67 counties and over 400 municipalities. Some local governments have tree ordinances that require a permit prior to trimming or removing trees or protect certain trees because they are considered an important community resource. Broward County prohibits the removal of any historical tree<sup>26</sup> without first obtaining approval from the Board of County Commissioners is prohibited, as is the removal of any tree without first obtaining a tree removal license from the Environmental Protection and Growth Management Department. Furthermore, municipalities within Broward County may adopt and enforce their own tree preservation regulations in addition to Broward County’s tree regulations. County tree regulations may be suspended during emergency. During the 2019 Session, the Legislature approved Chapter 2019-155, Laws of Florida, which prohibits local governments from requiring a permit, application, notice, fee, approval, or mitigation for the pruning, trimming, or removal of a tree on residential property that has been certified to present a danger to persons or property. The certification must be provided by an arborist certified by the International Society of Arboriculture or a licensed landscape architect. The property owner must obtain documentation by a certified arborist or Florida licensed landscape architect, it does not require the certified arborist or landscape architect *to physically inspect the tree* to determine that the tree presents a danger to persons or property. Finally, the law prohibits a local government from requiring a property owner to replant a tree that was maintained according to these provisions and does not apply to authority delegated to local governments under the Mangrove Trimming and Preservation Act.

### **Request**

Amend the state law to authorize charter counties, with a vehicle-for-hire regulatory program, to notify the Florida Department of Highway Safety and Motor Vehicles (FLDHSMV), and request that respondents meeting certain criteria, be denied a driver's license and/or vehicle registration. The criteria are outlined below:

- Respondent has one or more outstanding fines associated with VFH regulatory citations;
- Respondent has been found liable for the citation(s) and fine(s) by a hearing officer; and
- A lien for outstanding fines has been filed in the public records against the respondent.

The license/registration hold will be effective until the respondent pays the outstanding fines and liens have been released. Examples of the type of change proposed can be found in s. 316.1001(4) F.S., s. 316.1967(6) F.S., and s. 320.03(8) F.S.

### **Background**

The Environmental and Consumer Protection Division (ECPD) has over 3,000 vehicle-for-hire (VHF) citations that have been issued, found valid, *have not been paid, and are in the process of having liens filed*. Most of these citations are for operating without proper permits and/or operating without a chauffeur's registration. In continuing to operate without complying with the Motor Carriers Ordinance, these respondents risk the life and safety of Broward County's residents and visitors and ultimately challenge the legitimacy of local government's regulatory authority.

## Requests

[Extend the VPK Program to a Full Day \(1,080 hours\)](#) | ss. 1002.55, F.S., 1002.61 F.S., and 1002.63, F.S. identify the number of hours the VPK must deliver for public and private schools during the regular school year and summer months. Extending the instructional VPK program hours to match the K-12 program will increase educational preparedness amongst children, reduce the cost of extended childcare services to financially constrained families, and contribute to job creation/growth in the County.

[Revise the Assessment Process of the Kindergarten Readiness Rating](#) | Amend state law to require the assessment is administered at least twice within the school year (i.e. beginning and end of the VPK year, or at the end of the VPK year and start of kindergarten). Amending the assessment process allows parents, providers and educators to have a more concise understanding of a prekindergartner’s skillset as they enter kindergarten. This ensures all challenges are accurately identified and customizes learning strategies needed to guarantee student success.

## Background

In 2002, Florida voters approved Amendment 8 “Florida Universal Prekindergarten Program”, which requires a free voluntary prekindergarten (VPK) program be offered during the year before the child is eligible for admission to kindergarten. Florida is a national leader when it comes to VPK access – over 6,200 private, public, and charter schools offer VPK programs – and 80 percent of four-year-old children attend VPK. VPK helps build a strong foundation for school using educational materials appropriate for the different stages in child development. The extended full day VPK program will increase the percentage of students meeting the targeted kindergarten readiness rate, thus potentially increasing student success rates of achievement in K-12 education.

In addition to the VPK program, s. 1002.69, F.S. describes the Department of Education’s responsibilities for statewide kindergarten screening and calculating VPK Provider Kindergarten Readiness Rates. A Kindergarten Readiness Screener gathers information about a child’s overall development and addresses each student’s readiness for kindergarten based on the state’s early learning and development standards for a four-year-old. A screener’s assessment is also used to calculate VPK Provider Kindergarten Readiness Rates, which measure how well a VPK Provider prepares a four-year-old for kindergarten based on certain standards. It is required that this statewide screening be administered only within the first thirty days of kindergarten.