



Volume X, Issue 5 • February 22, 2008
REPORT OF FEBRUARY 18-22, 2008 COMMITTEE WEEK

Ocean Outfall

On Tuesday the first of several anticipated ocean outfall stakeholder meetings was held. The meeting provided an opportunity for staff from the House, Senate and Department of Environmental Protection to review and expand on written comments provided thus far on the issue. The stated goal of the meeting was to formulate consensus on potential legislation to limit local government's ability to utilize ocean outfalls as a wastewater option, resulting in the short term solution of improving water quality and the longer term solution of expanding reuse. Senate staff moderated the meeting and encouraged a solution-oriented discussion.

Miami-Dade, Hollywood, Boca Raton and Broward were represented and provided comments on their specific issues; Advanced Water Treatment (AWT) alternatives and cost benefit analyses of those options were discussed at length. Broward Water and Wastewater Services Division Director Alan Garcia carefully reiterated to the group Broward's complex circumstances which make reuse so problematic, including our unique geology and hydrology, redirection of flows, acquiring sufficient land to accommodate advanced treatment facilities and infrastructure build-out.

The panel expressed interest in Broward County's relationship with other municipal wastewater providers and the potential for regional solutions, and indicated that was one of the goals of the proposed legislation. Senate staff expressed the belief that the elimination of outfalls and the proposed legislation was a natural outcome of the

passage of SB 444 in 2005, and that regional transportation of the water as a commodity to areas of higher need was a realistic proposition.

The next stakeholder meeting is scheduled for March 5th, and draft legislation is expected at that time. The bill is expected to be heard in its first committee of reference, Senate Environmental Preservation and Conservation, during Week Three. Stakeholder groups were asked to assign one spokesperson for future meetings.

Budget

The 2007-2008 state budget was under review this week, and a bill will be presented during the first week of Session to amend the current fiscal year's budget to accommodate a portion of the cuts necessary related to the shortfall in revenues. Modest cuts, equalling about 1.5% of fourth quarter expenditures for a total of \$300 million, are expected.

The 2008-2009 budget is expected to produce more devastating cuts to state agencies as well as inevitable cost shifts to local government. The \$2 billion in revenue shortfall may result in wholesale elimination of some services, as well as the severe curtailing of many others. Medicaid is a natural target, and many non-mandatory services are expected to be eliminated, resulting in the potential loss of federal dollars.

The Revenue Estimating Conference will be meeting late this week, and additional downward revisions to general revenue are expected. The Capitol Hill Group will be

providing a report on budget issues early next week.

Household Moving Services

SB 530 by Sen. Saunders was heard in its first committee of reference this week, Senate Commerce. The bill preempts county and municipal regulation of intrastate household moving services to the state. Broward, Miami-Dade, Palm Beach and Pinellas counties all currently provide consumer assistance and education to residents with complaints about moving companies. Broward and Palm Beach counties testified against the bill in committee, and the bill passed favorably by a vote of 5-3. Voting no were Sen. Ring, Sen. Garcia, and Sen. Justice. The next stop for SB 530 is Community Affairs. The House companion, HB 611 by Rep. Nehr, has not yet been heard.

Tri-County Delegation

The Legislative Delegations of Broward, Miami-Dade and Palm Beach Counties met Wednesday evening and heard testimony from the South Florida Water Management District on Everglades Restoration regarding water issues, particularly 20-year consumptive use permitting problems for Broward County's municipalities. Other issues pertained to the lack of water storage and concerns over the federal government's failure to provide funding and/or reimbursements on CERP projects as was previously agreed. Other presentations included the Florida Ports Council, representatives from educational entities, and on issues regarding Regional Transit Authorities occurred. The next meeting will occur during March in Tallahassee.

Beach Nourishment Project Funding

The Department of Environmental Protection (DEP) officially released its priority beach nourishment project list for fiscal year 2008-2009. The priority list is consistent with the Governor's proposed budget which reduces funding for beach preservation and repair

from the \$30 million authorized in current state law to \$20 million. Broward County's

Segment II and III beach nourishment projects are on the priority list, with the proposed glass beach demonstration project on DEP's alternate project list. Local governments and beach preservation advocates are concerned that if this reduced level of funding is sustained, this long-established federal-state-local beach management program's integrity and dependability will be significantly undermined.

Vox Populi – Citizen Participation

HB 991 by Representative Huikill was filed this week amid much fanfare. The bill, called the Voice of the People Act, is intended to "guarantee citizens the right to comment at local government meetings."

The bill mandates public meeting decorum standards by requiring that locally elected officials maintain a commitment to the principles of civility, honor, and dignity during all "formal" governmental meetings. Elected officials, staff and meeting participants must use civil and appropriate language and all comments must be directed through the presiding officer. Personal verbal attacks are prohibited. Participants must adhere to the allotted speaking time but must be allowed to submit written documents to fully address their concerns before the local government.

Non-agenda and "citizen-participation order of business" items must be scheduled towards the beginning of a public meeting, and local governments are required to allocate at least 15 minutes to this order of business; however every citizen who desires to make a request, voice a complaint, express an opinion, or express recognition to the local governing body must be allowed a minimum of three minutes to speak. If a citizen requires more time to present their item or if staff research is necessary to allow the governing body to make a decision, then the item must be rescheduled for a future meeting.

A citizen may also make a written request to appear before the governing body by filing such request with the local government's designated official two weeks prior to a meeting. The designated official must provide a copy of the request to members of the governing body on the very day it is received and a copy must also be provided to the local government's department with jurisdiction over the matter in order to conduct any research necessary for the governing body. The requester must be granted all the time necessary to make the presentation and other persons desiring to comment on the item must be afforded at least three minutes to speak. If the local government has an order of business devoted to "petitions" that are not part of another agenda item, the citizen must also be given three minutes to present the petition.

The bill provides requirements for public hearings conducted by local governments and imposes requirements regarding citizen participation on regular agendas, including consent and non-consent agenda items. The bill also mandates that there be an agenda item for each meeting during which the local governing body must report on matters of the various boards, committees and groups on which the local government is represented. A citizen must be given at least three minutes to comment or ask questions in order to obtain additional information about such boards, committees or groups and their actions, or to obtain clarification of the governing body's comments or report.

Local governments are required to adopt a written policy consistent with the bill's provisions by October 1, 2008. The adopted policy must be posted in each meeting site covered under the bill and, if the local government has a website, the policy must be posted on the website within 30 days of its adoption. The bill does not preclude a local government from having a citizen participation policy that grants greater rights

than the bill's provisions. If enacted, the bill takes effect on July 1st.

HB 991 has not yet been referred to any House Council or committee. It is expected that Sen. Lynn will be filing the measure in the Senate.