



2010

**State
Legislative
Program**



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COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS



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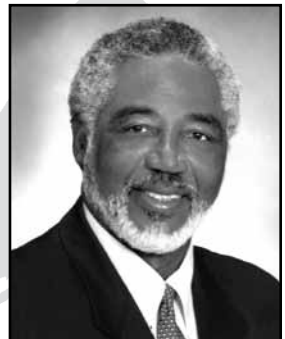
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COMMISSION 2010 LEGISLATIVE PRIORITIES

SECTION ONE

AFFORDABLE HOUSING DOCUMENTARY SURTAX

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

ARRESTEE MEDICAL EXPENSES

Amend state law to require counties be responsible for medical expenses only when an arrestee (prior to booking) is injured as a result of an arrest, rather than “during or at the time of” arrest, which is interpreted as requiring counties to pay for pre-existing medical conditions. Any such county financial responsibility should also be capped at no more than 110% of the Medicaid rate.

BROWARD SHERIFF CRIME LAB FUNDING

Support the Broward Sheriff Office’s request of \$9 million to address the existing funding disparity between state and locally-operated crime analysis laboratories.

COMMUNITY CARE FOR THE ELDERLY

Support cost-effective, evidence-based programs that serve frail elders and allow older adults to “age in place.” Specifically, support restoring funding to the Community Care for the Elderly (CCE) program and oppose any cuts to programs targeting community-based services for elders, which save the State of Florida millions of dollars in emergency and nursing home care, while offering autonomy and dignity to aging citizens.

CONDOMINIUM AND HOMEOWNER ASSOCIATION FEES

Support legislation which would allow condominium and homeowner associations to collect all delinquent assessment fees from either the property owner or a tenant, and allow for condominium and homeowner associations to suspend, for a reasonable time, the use of common areas and facilities.

HOMELESS

Oppose decreases in funding for homeless programs.

JUVENILE DETENTION CARE COSTS

Oppose any efforts to shift additional Department of Juvenile Justice costs or responsibilities to counties and oppose compensating the state for any unfunded mandates regarding juvenile justice. Amend state law to allow counties to charge juveniles, or the parents of juveniles, for the costs of providing pre-adjudicatory, secure detention care upon conviction or pleading of guilt.

MENTAL HEALTH AND SUBSTANCE ABUSE

Support legislation:

- restoring funding removed from Substance Abuse TANF grants in the 2008 Session;
- transitioning Substance Abuse TANF funding to a recurring revenue stream;
- protecting current levels of funding for Substance Abuse and Mental Health Community Project grants; and
- sustaining and expanding jail diversion programs for persons with mental illness.

OFFSHORE DRILLING

Oppose any relaxation of the prohibition against leases or permits for drilling oil or gas wells within the boundaries of Florida’s territorial seas, and to oppose any legislation that would prevent the Florida Department of Environmental Protection from continuing to block requests for offshore drilling in federal waters off Florida’s coast.

ONLINE TRAVEL COMPANIES

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

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.

RESIDENTIAL EXCLUSION ZONES

Support legislation creating a statewide taskforce to review and recommend a uniform solution to sex offender management and residential policy. Encourage legislation that includes, but is not limited to: establishing a maximum perimeter; eliminating incidences of clustering; creating child safety zones; reviewing crimes that require offender registration; and providing for exemptions based on age of offender and age of victim.

SEMINOLE INDIAN GAMING COMPACT

Support a revenue-sharing agreement that is equitable and recognizes Broward County as the provider of regional services. Oppose any revenue-sharing agreement which excludes Broward County from a share of the proceeds.

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY

Support an increase from \$2 to \$4 of the existing rental car surcharge as a dedicated funding source for regional transportation authorities formed under Chapter 343, Florida Statutes, to support commuter rail and other regional transit projects.

SUPERVISOR OF ELECTIONS EARLY VOTING EXPANDED HOURS

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

WATER LAW/RIPARIAN RIGHTS

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

POLICY STATEMENTS

SECTION TWO

AIR QUALITY

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

ANNEXATION

Broward County's unincorporated resident population is currently 12,750 or approximately 0.7% of the total population of 1,758,494. These residents occupy 6.5 square miles or about 1.4% of the land area which can be developed in seven recognized neighborhoods and several enclaves spread throughout the County's cities in parcels of varying size.

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

- Residents should be given the right, wherever possible and reasonable, to choose which municipality to join and the right to vote on annexation by referendum;
- In furtherance of the goal of full annexation, **the Board 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 Board 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 court 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. In 2007, 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. A recent First District Court of Appeal decision found unconstitutional the Legislature's mandate in section 19 of Chapter 2007-62 that counties fund certain statutorily defined costs of these regional conflict counsel 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. **The Board supports** increasing the existing recording fee counties presently utilize to fund the technology needs of the courts, state attorneys and public defenders, but **opposes** further expansion of the entities entitled to receive a share of such fee as it diminishes the funds available to pay for the needs of the courts, state attorneys and public defenders.

ATTAINABLE HOUSING

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

Additionally, **the Board 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 Board urges** the state legislature to ensure that 30 percent of the affordable housing units that are developed with tax supported funds be designated to serve households earning 30 percent or less of the area median income. **The Board 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. In addition, all affordable housing programs/resources should be allocated on a needs and affordable population basis.

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 Board supports and encourages** the State of Florida to study and promote methodologies in addition to sand replenishment which would prevent or repair beach erosion. **The Board also**

supports and encourages the expansion of the Beach Glass Demonstration Project, including the State of Florida's financial support for constructing a regional glass processing facility.

CIVIL RIGHTS/HUMAN RIGHTS

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

COMMUNICATIONS SERVICES

The advent of communications technology presents considerable opportunities for counties to enhance the quality of life in communities by providing regulatory powers over communication services in order to protect the health, safety and welfare of the public. There are significant fiscal and policy implications that will require prompt and thoughtful decisions about zoning, taxation, consumer protection and local government infrastructure. **The Broward County Board of County Commissioners supports** establishing an equitable system that promotes improvements to the state and local tax and fee structure for products and services that will strengthen Florida's economy while maintaining revenue neutrality for local governments. **The Board supports** the preservation of local government's responsibility to manage public resources, including but not limited to, public rights-of-way.

COMMUNITY SERVICES

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

Additionally, libraries are a free resource to the community that bring various learning opportunities to all. **The Board 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 Board 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 Board supports** policies to enhance economic development utilizing various tools and incentives to induce business expansion, targeted industry retention, new capital investment and job creation. **The Board 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 and Small Business Development, Convention & Visitors Bureau, Port Everglades Department and Aviation Department (Fort Lauderdale-Hollywood International Airport). **The Board also supports** programs and efforts providing capital formation for small and emerging businesses, the expansion and creation of enterprise zones, and commercial revitalization projects that help to enhance redevelopment in all distressed areas of the County. **The Board opposes** legislation that results in a disadvantage for 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 Board 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 Board 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 Board 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. Specifically, **the Board supports** the creation of small business loan programs targeted to small and emerging businesses in Broward County. In addition, **the Board supports prompt** payment of contractors and subcontractors.

EMINENT DOMAIN

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

ENERGY/CLIMATE CHANGE

The Broward County Board of County Commissioners supports legislation that promotes energy efficiency, a renewable energy portfolio standard that defines renewable energy sources as wind, solar, geothermal, biomass, landfill gas, qualified hydropower, and marine and hydrokinetic energy, modes of transportation that encourage fewer cars on the road such as public transit, transportation that utilizes alternative/clean fuels, and energy security proposals that do not impact the health, safety or welfare of the public or Florida's nationally renowned beaches.

Due to the direct connection between waters of the Gulf Coast of Florida and the coastal waters of Broward County, there is significant potential for activities pursued on the west coast of Florida to influence environmental conditions and coral reef habitat in the Atlantic coastal waters along Florida's east coast. Thus, in recognition of the economic and environmental value of Broward's sensitive coral

reef system and adjacent beach resources, the County remains opposed to activities, such as oil exploration, that present potential for negative environmental consequences near shore and offshore of either coast.

The Board supports legislation to implement the Florida Climate Change Action Plan and legislation that provides incentives for local governments to participate in state energy policies such as green building and carbon emission reduction programs, and providing technical assistance and funding for counties to implement greenhouse gas emissions reductions programs. Additionally, **the Board supports** efforts to fund and implement climate change adaptation strategies to assist Florida's most vulnerable areas and incentives for regional collaborations.

The Board also supports changes to Florida's Residential Energy Code recommended within the report "Effectiveness of Florida's Residential Energy Code: 1979-2009:" (1) that all home energy uses should be covered by the Code (such as lighting, refrigerators, dishwashers and clothes washers); and (2) that various components of Florida's Energy Code "Baseline Home" be modified to increase energy efficiency, such as decreasing the window area, moving heating and air conditioning ducts and air handler systems to the air conditioned space, increasing ceiling and wall insulation, and changing roof and wall solar absorption factors. These two changes should only apply to new construction and be incorporated into the Florida Building Code as appropriate.

ENVIRONMENTAL REGULATIONS

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

EVERGLADES RESTORATION

The Broward County Board of County Commissioners supports Everglades Restoration and recognizes that improving water quality is a key component to restoring the Everglades. The County remains committed to improving water quality in the Everglades through its continued support of the intent and purpose of the 1994 Everglades Forever Act and, consistent with the U.S. District Court Ruling in 2008, **the Board opposes** any efforts that would lessen or defer the state's responsibility to protect water quality in the Everglades. **The Board 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 Board supports the construction of the Water Preserve Area (WPA), and implementation of Decentralization and other Comprehensive Everglades Restoration Plan (CERP) projects important to Broward County. **The Board supports** federal and state funding necessary to construct the WPA, **opposes** any efforts that would sacrifice the construction of the WPA in favor of other Everglades projects or land acquisitions, and **urges** all government entities to remain committed to the implementation of this project.

The **Board recognizes** that Everglades's restoration is key to regional climate change mitigation and adaptation efforts. The expansive acreage of the Everglades provides the most significant opportunity for vegetative carbon sequestration in South Florida and rehydration of the Everglades will help to ensure an adequate freshwater supply in the face of rising sea levels. **The Board supports** continued Everglades restoration as part of a regional climate change strategy.

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. Taxpayer Bill of Rights (TABOR) and other proposals seeking to limit the growth of ad valorem taxes have been considered during recent sessions of the Florida Legislature. In many cases, these proposals are one-size-fits-all measures that cap local government spending and revenue to a defined base amount, plus inflation and population growth, or establish an unrealistic “aggregate” property tax cap. The effects of the ongoing recession along with revenue reductions resulting from HB 1B and Amendment 1, have strained the County’s ability to provide needed services to its residents as well as restricted the future recovery of revenue growth. In the November 2010 General Election, voters will have an opportunity to vote on a proposed constitutional amendment that offers a new first-time homebuyers’ homestead exemption and reduces the current property tax cap on non-homestead property from 10% to 5%. These provisions would further limit local governments’ already decreasing tax base and stress Broward County’s continued obligation to provide essential services and ensure a good quality of life for its residents. Accordingly, **the Broward County Board of County Commissioners opposes** any legislative or constitutional efforts to impose expenditure or revenue caps on local governments. **The Board also opposes** any efforts that further erode the capability of local governments to fulfill their financial obligations or provide necessary services to their residents. **The Board further opposes** reductions or exemptions to current state tax revenue sources, unless replacement funding sources or reductions in mandates are included.

FLORIDA FOREVER AND SUCCESSOR PROGRAM

Florida Forever is critical to preserving and protecting the state’s endangered natural resources. **The Broward County Board of County Commissioners supports** the state’s Florida Forever successor program as amended in 2008 and the funding of Florida Forever at historic levels and not at the expense of other state environmental projects.

GROWTH MANAGEMENT

The Broward County Board of County Commissioners opposes the weakening of State Growth Management regulation, as adopted by the Legislature in 2009, and **supports** legislation to restore State requirements for growth management and **supports** the provision of adequate time frames for local governments to satisfy changes in growth management legislation. **The Board 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 Board opposes** legislation which would limit the County’s land use planning authority. Furthermore, **the Board supports** retaining and strengthening local government land use controls over the siting of power plants, transmission lines, substations and other energy infrastructure.

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 Board supports** local involvement in the formulation, selection and implementation of any local “Management Entity” that may be contracted to distribute Department of Children and Family, substance abuse and mental health funding designated for Broward County residents.

- **The Board 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 Board supports** legislation revising definitions of incapacity and incompetence and clarifying health care surrogate and living will directives.
- **The Board supports** funding of the Aging Resource Centers (ARC) to coordinate long term care services for seniors.
- **The Board opposes** any efforts to increase counties contributions to Medicaid, especially the Nursing Home share.

Homelessness

The Broward County Board of County Commissioners opposes inappropriately discharging persons from publicly funded institutions, such as hospitals, foster care and prisons, who are homeless and in need of step-down shelter and housing. **The Board supports** efforts to promote housing-first strategies throughout the State of Florida as part of the homeless services continuum of care.

Insurance Coverage Parity and Non-Discrimination

- **The Board supports** a health insurance mandate requiring any size health insurance plan, including individual plans, to cover early detection, therapy services and other forms of treatment for children under 18 years of age with developmental disabilities, including Down's Syndrome and spinal bifida.
- **The Board supports** efforts to encourage living organ donation, which include, but are not limited to, ensuring individuals donating organs and/or bone marrow are not denied health insurance coverage throughout the voluntary procedure, nor excluded from health or life insurance coverage subsequently, on the basis of having a "pre-existing" medical condition. **The Board supports** adequate Medicaid reimbursement for all organ transplants at the same rates used by Medicare or use of a global fee which takes into account actual costs.
- **The Board supports** insurance parity legislation, requiring coverage for behavioral health services and ensuring behavioral health care is provided through general health insurance policies.
- **The Board further supports** individuals and families receiving access to a full range of mental health and/or substance abuse treatment options through private and public health insurance plans.

Medicaid Reform Pilot

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

Older Adult Funding

The Board supports cost-effective, evidence-based programs that serve frail elders and allow older adults to “age in place.”

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 Board opposes** legislative efforts that interfere with governance or local government administration.

The Board supports authorizing local governments’ option of complying with state public notice requirements through the use of electronic online advertising on publicly accessible websites. Meeting notices, proposed ordinances, resolutions, land use changes, bid notices, special elections or referenda, and budget information are among the types of public notifications which can be efficiently and effectively posted to the Internet for public notice.

HOMELAND SECURITY

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

JAIL HEALTH CARE COSTS

The Broward County Board of County Commissioners supports providing health care to inmates at a rate no higher than 10% above Medicaid reimbursement rates.

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 Board supports** legislation which would provide counties with alternative funding mechanisms for the costs of juvenile preadjudicatory secure detention costs mandated by the state.

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

The Board supports legislation that would mandate the Agency for Health Care Administration to have constant monitoring, and 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.

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 Board supports** the ability to protect the privacy and safety of its employees.

PORT EVERGLADES

Port Everglades is recognized as the third largest cruise port in the world as well as one of the nation's leading container ports and a trade gateway to Latin America and the Caribbean. It is the primary bulk cargo depot for South Florida, as well as the port of entry for most of the petroleum products distributed to users in 12 counties and provides jet fuel for three international airports. Port Everglades serves as a major regional economic engine with the ability to convert trade opportunities into real jobs with real incomes and, in so doing, to grow the state's tax base. At present, Port Everglades supports approximately 185,000 jobs statewide and generates \$623M in state and local taxes.

The Board supports:

- Continued and increased state funding with maximum flexibility for projects related to intermodal connectivity and other infrastructure at the port, which enhances the regional movement of freight, goods, and people, while stimulating the regional economy.
- State funding for maintenance of existing infrastructure security equipment and technology required to meet existing and new federal and state security mandates.
- Rules prohibiting state agencies from eliminating, deferring, or delaying capacity improvement projects contained in the 5 year Work Program for those projects within three years of construction.
- Creation of a select committee within the Legislature to address issues related to Florida seaports.
- Review of the current state seaport security legislation and standards based on the results of the update of the Florida Seaport Security Assessment required by the Legislature in 2009 to eliminate duplication of requirements already covered by federal laws and regulations.

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 Board further opposes** any legislative efforts to increase the risk of liability for local governments including legislation creating new, or expanding existing, causes of action and/or providing for recovery of attorneys' fees and costs.

SUBSTANCE ABUSE

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

TRANSPORTATION

Broward County is committed to providing a wide array of transportation options for residents, visitors, and commercial entities including public transit, airports, seaports, roads, bridges, and multi-purpose facilities. **The Broward County Board of County Commissioners supports** continued state funding for operations, maintenance, and capital for transit, airport and seaport projects as well as access to airport and port international trade databases. **The Board 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 Board supports** greater fairness and equity in the distribution of state appropriations through formula-based methodologies and also **supports** an increase in toll revenues for transportation improvements, operations, and maintenance.

The Board supports state legislation granting local government's maximum flexibility in planning and funding for viable transportation systems and infrastructure and opposes legislation that preempts local government authority to regulate the impact of current and future Florida Department of Transportation projects.

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

UNFUNDED MANDATES

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

WATER POLICY

The 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 Board opposes any efforts** to modify Chapter 373 in a way that would significantly amend the fundamentals of existing Florida Water Law. **The Board 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 Board further opposes** any efforts to establish a statewide, centralized water authority to oversee statewide water distribution with potential implications for local water supply and water resource management. **The Board 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. **The Board supports** policies that recognize conservation activities as a viable water supply planning option, reducing the need to develop other alternative water supplies and projects which can be offset by conservation strategies and **the Board supports** funding for water conservation activities that provide measurable results. **The Board supports** policies that offer local governments flexibility in the pursuit of alternative water supplies and consideration of regional, multijurisdictional water supply projects, as well as dedicated and continued 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.

OTHER LEGISLATIVE PROPOSALS

SECTION THREE

BACKGROUND SCREENING FOR CARE PROVIDERS

Amend state law to require child care and assisted living facilities to report results of screening checks to the Department of Children and Families or the Health Care Administration before a person may be employed; amend state law to provide that a person cannot be hired until an exemption is granted by the licensing agency; amend state law to preclude exemptions for individuals with a violent or sexual-in-nature felony or misdemeanor conviction against a child or vulnerable adult; amend state law to increase the disqualification period for other offenses from three to five years; and amend state law to authorize licensing agencies to review exemptions every three years.

BROWARD SHERIFF

Pretrial Detention

Oppose efforts to amend §907.041, Florida Statutes, to change eligibility criteria for pre-trial release, restrict the use of pre-trial release, or preempt local ordinances.

CONSTRUCTION PROCUREMENT ADVERTISING

Amend state law to modify the dollar thresholds that require newspaper advertisement of construction project procurement solicitations and allow alternative advertising on the county's web site.

COUNTY BUILDING CODE SERVICES

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

FIRST RESPONDER ABUSE REPORTING

Amend Section 39.201, Florida Statutes, identifying personnel responsible for reporting potential child abuse to include first responders.

HATE CRIMES AGAINST THE HOMELESS

Amend state law to add "homeless status" as a hate crime.

LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW PERIOD

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

LOST PERSONAL PROPERTY

Amend state statute to provide authorization to public transit systems to dispose of abandoned or lost property.

PROPERTY APPRAISER

Ad Valorem Taxes Disclosure to Prospective Purchaser

Monitor legislation relating to disclosure of ad valorem taxes to prospective purchasers of residential real property.

Conservation Property Assessment

Monitor legislation relating to exemption of real property dedicated for conservation purposes.

Conveyances of Real Property to Include Actual Purchase Price

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

Renewable Energy Assessment

Monitor legislation relating to assessment of Wind Damage Resistance Improvements and Renewable Energy Source Devices.

Value Adjustment Board

Monitor legislation pertaining to recent legislation impacting Value Adjustment Board process and procedures, supporting county option amendments for evidentiary exchange.

Working Waterfronts Assessment

Monitor legislation relating to the assessment of property taxes of working waterfronts implementing the Constitutional Amendment approved November 2008.

PUBLIC NUISANCE

Amend Section 893.138, Florida Statutes, regarding public nuisances from "on more than two occasions with a 6-month period" to "two occasions within a 6-month period" for declaring a public nuisance and abatement as defined in statute.

SUPERVISOR OF ELECTIONS

Absentee Ballots

Amend state law to change the deadline for requesting absentee ballots that must be mailed to a voter from six days prior to an election day to ten days prior to an election day and allowing for the opening of ballots for ballot tabulation ten days prior to Election Day.

Early Voting Expanded Sites

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

Felon Voting Notification

Amend state statute to allow for the notification of felon voting status to include additional alternative methods such as website publication.

Mail Ballot Elections

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

Municipal Qualifying Dates

Amend state law to require a qualifying period for municipal offices to be uniform with that of other elective offices subject to election during a general election cycle.

Voting Equipment

Support legislation to amend Section 101.56075, Florida Statutes, to extend the 2012 requirement of new voting equipment for persons with disabilities.

Super Voting Sites

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

TRIM NOTICES

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

APPROPRIATIONS ISSUES

SECTION FOUR

BEACH NOURISHMENT

Support the protection and retention of the dedicated use of documentary stamp revenues for beach erosion programs throughout the State of Florida.

INLAND PROTECTION TRUST FUND (IPTF)

Support the State Legislature to restore funding to the IPTF to at least the 2009 levels, and maintaining a consistent level of funding in future years. In FY 2010, the State implemented significant reductions to IPTF (from \$151 million in FY 2009 to \$90 million in FY 2010).

LIBRARY GRANTS-IN-AID

Support full funding of libraries.

STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) FUNDING RESTORATION

Support legislation to restore the SHIP program which is not funded for FY 2011.

LOCAL BILLS

SECTION FIVE

BROWARD INDEPENDENT FIRE DISTRICT

On behalf of the Broward County Council of Professional Fire Fighters, a bill to create the Broward Independent Fire District subject to voter approval. The District will be comprised of local governments providing fire and emergency medical services within Broward County who voluntarily join the Fire District.

CENTRAL BROWARD WATER CONTROL DISTRICT

On behalf of the Broward County Property Appraiser, a bill amending Chapter 98-501 authorizing the Board of Commissioners of the District to levy and collect an annual ad valorem tax upon all taxable property within the district instead of levying taxes on land only and not on any improvements thereon upon approval by a majority vote of qualified electors of the District.

CITY OF FORT LAUDERDALE ANNEXATION

Annexation bill to extend the boundaries of Fort Lauderdale to include enclave areas of Andrews - NE 62nd Street – North, Andrews Avenue – NE/NW 62nd Street- South, and Cypress Creek Road areas A and B.

CITY OF PARKLAND ANNEXATION

Annexation bill to extend and enlarge the corporate limits of the City of Parkland to include four specific parcels within the unincorporated Wedge area. All but one of the property owners have requested that their properties be annexed into the City of Parkland.

NORTH SPRINGS IMPROVEMENT DISTRICT

Amendment to extend the boundaries of the North Springs Improvement District to include the Wedge area for the purpose of providing water, wastewater, and drainage services and facilities to certain parcel owners.

PROSPECT BEND ANNEXATION

Annexation bill to extend and enlarge the corporate limits of the City of Tamarac to include Prospect Field Road/West Commercial Boulevard.

SPECIAL ASSESSMENT TO FUND MUNICIPAL LAW ENFORCEMENT

On behalf of the City of North Lauderdale, a bill to authorize a special assessment levy by Broward County municipalities to fund law enforcement services.

SOUTH BROWARD UTILITY ADVISORY BOARD MEMBERSHIP

On behalf of the Town of Southwest Ranches, a bill to change the eligibility requirement for the Town's two appointments to the South Broward Utility Advisory Board to allow the appointment of residents that are water and/or sewer users within the service area.

TRAFFIC VIOLATIONS ON PRIVATE ROADS

Allows any Broward County municipality to exercise jurisdiction over a private road or roads, or over any limited access road or roads owned or controlled by a special district, that are within its boundaries, if the municipality and property owner enter into a written agreement approved by the municipality's governing body.

NOTES





**Board of County Commissioners
Office of Intergovernmental Affairs and Professional Standards
115 S. Andrews Ave., Room 427
Fort Lauderdale, FL 33301
954.357.7575
www.broward.org/publicandgovernmental**