



BOARD OF COUNTY COMMISSIONERS

# ***2011 FEDERAL LEGISLATIVE PROGRAM***

112th Congress  
1st Session



## BOARD OF COUNTY COMMISSIONERS



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The Federal Legislative Program, created annually, represents the Board’s goals and objectives and offers direction regarding federal advocacy. The Program is comprised of three areas: the *Fundamental Principles*, which are the general guiding policy positions of the Board; the *Appropriations Requests*, which are specific projects requesting federal funding; and the *Legislative Proposals*, which are legislative issues the Board supports or opposes.

## TABLE OF CONTENTS

<b>Fundamental Principles .....</b>	<b>1-1</b>
Economic Development and Trade .....	1-1
Environment and Energy / Climate Change .....	1-2
Health and Human Services .....	1-7
Justice and Civil Rights .....	1-10
Local Government / Governance.....	1-10
Transportation .....	1-11
 <b>Appropriations Requests .....</b>	 <b>2-1</b>
Environment and Water .....	2-2
Health and Human Services .....	2-4
Homeland Security .....	2-6
Seaport – Port Everglades .....	2-6
Transportation – Transit .....	2-7
 <b>Legislative Proposals .....</b>	 <b>3-1</b>
Economic Development and Trade .....	3-1
Finance and Tax .....	3-4
Health and Human Services .....	3-5
Homeland Security .....	3-9
Insurance and Consumer Services .....	3-9
Justice and Civil Rights .....	3-10
Local Government / Governance .....	3-10
Transportation .....	3-11
Transportation Authorization .....	3-11
Water Resources Infrastructure .....	3-12

# FUNDAMENTAL PRINCIPLES

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## **ECONOMIC DEVELOPMENT AND TRADE**

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A major goal of Broward 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, creating jobs, increasing the tax base, and encouraging diversity. The Board supports policies to enhance economic development utilizing various tools to induce business expansion, new capital investment and job creation. In addition, the present downturn in the nation's economic activity, which has resulted in substantial job losses and declining revenues, requires the federal government's immediate attention. The Board supports the Administration and Congress' efforts to stimulate the economy by creating a public infrastructure works program and providing funds to local governments for projects designed to provide employment while accomplishing necessary infrastructure improvements.

The Board supports the County's evolution into a global center for trade and investment. The Board further supports legislation that promotes and enhances the growth of foreign direct investment, trade, travel and tourism as facilitated by its Office of Economic Development, Convention & Visitors Bureau, Port Everglades Department and Aviation Department (Fort Lauderdale-Hollywood International Airport). The 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 economic development, in general, and tourism, seaport, aviation, and transportation, specifically, if such legislation impedes the County's ability to make competitive business decisions. The Board supports efforts to make credit available to small businesses and individuals to stimulate economic recovery.

### **FREE TRADE AGREEMENTS**

The Board recognizes the importance of Free Trade Agreements (FTAs) that include Colombia, Dominican Republic-Central America Free Trade Agreement (DR-CAFTA), Panama, Korea, and the North American Free Trade Agreement (NAFTA). The benefit of a Free Trade Agreement of the Americas (FTAA), if created, is the establishment of a trading block in excess of 800 million persons reaching from Alaska to Tierra del Fuego. These agreements will serve both the United States and Latin American interests, and will create new economic opportunities for many citizens of these countries. These agreements will maintain our nation's current commitment to international trade relations, by promoting economic growth and stability in Latin American countries. The Board supports approval by Congress of mutually beneficial FTAs. The Board also supports the establishment of an FTAA along with the relocation of the Permanent Secretary of the FTAA to Miami. The Board opposes any statements or actions expressed in FTAs that would pre-empt local regulatory laws and policies, or that negatively affect Broward County residents.

### **FORECLOSURE ASSISTANCE/AFFORDABLE HOUSING**

The Board supports additional federal efforts to provide assistance to home owners who have fallen behind on mortgage payments and face foreclosure of their homes. The Board supports legislation that requires mortgagors to foreclose in a timely manner and holds them responsible

for paying any homeowner or condominium association fees or special assessments on reverted properties. Further, the Board urges Congress to require that mortgagors, when filing a *lis pendens* to initiate the foreclosure process, provide contact information of an individual with the authority to negotiate the terms of the loan. Lenders should be mandated to comply with this type of “anti run-around” notice, and include on any correspondence related to the loan, a name, address, and phone number of an employee who will work with owners seeking to modify delinquent loans.

The Board supports federal efforts to expand affordable housing initiatives, including increased funding for the Section 8 Housing Program and overall Housing Authority resources, the Community Development Block Grant Program (CDBG) and the Home Investment Partnership Program (HOME). The Board seeks legislation to lift or increase the present 4 percent and 9 percent cap on Housing Tax Credits, used to raise equity for affordable housing development, and to provide a direct allocation of tax credit/bond resources to Local Housing Finance Authorities.

The Board also supports legislation that would maintain or increase current levels of CDBG, which contributes to affordable housing infrastructure, public services and economic development for low to moderate income residents, and also maintaining and increasing current levels of funding and cost of living increases in HOME, to continue our partnerships to assist lower income residents in our community towards home ownership. The Board also supports the “30/30 Plan,” which provides that existing housing funds should have a greater amount (30 percent) targeted for persons at or below 30 percent of median income. The Board also supports legislation which would give employers the option of offering financial homebuyer benefits, much like dental or medical benefits, for housing costs of all types. Employers would be eligible for a tax credit as a participation incentive.

### **INDUSTRIAL DEVELOPMENT BONDS**

The Board supports the expansion of the industrial development bonds law to allow Federal Home Loan Banks to offer letters of credit to private developers in order to utilize bonds, with the local government acting as a conduit, to encourage municipal-sponsored community development projects such as affordable housing.

The Board supports the extension of the sunset date for Recovery Zone Facility Bonds (RZFBs) for financing of expenditures for recovery zone property, within the meaning of Section 1400U-3(c) of the Internal Revenue Code of 1986, as amended, and Broward County Ordinance 2010-08.

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## **ENVIRONMENT AND ENERGY / CLIMATE CHANGE**

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### **AIR QUALITY**

Clean air is an essential natural resource that is important to public health, our environment, and our economy. The Board supports strong air quality policies and strict adherence to the intent and spirit of the Clean Air Act, especially legislation or other initiatives to promote clean fuel alternatives, and encourage more stringent vehicle emission standards. The County concurs with the Environmental Protection Agency’s finding for emissions of greenhouse gases and supports Clean Air Act authority in addressing global climate change. The County supports increased federal funding necessary to address critically important air quality issues and to support outreach and compliance programs for new regulatory initiatives.

The Board opposes any weakening of established federal and state air quality standards including the reinterpretation or any modifications to Clean Air Act regulations and programs, or a decrease in current funding that would undermine implementation of current air quality laws.

## **BEACHES**

Florida's beaches are a critical part of the state's travel and tourism industry, creating 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. Estimates are that more than one-third of Florida's 787 miles of beaches are in a state of critical erosion. With the prospect of accelerated sea level rise due to global climate change, it is vital that adaptation measures include restoring and enhancing beaches to protect properties and infrastructure, to maintain property values. The Board supports a dedicated source of federal funding for the nation's valuable beaches.

Beach nourishment and shore protection programs continue to occupy a low priority for funding by the executive branch of the federal government. Broward County beach projects are historically reimbursable; however, there is concern that federal funding for current and future projects may be in jeopardy. The Board opposes restrictions on reimbursements for beach renourishment projects for which funds have been appropriated, and supports provisions which standardize the budgetary process for reimbursable projects and streamline the process of reimbursement.

Future implementation of the County's Beach Management Plan may include acquisition of non-domestic beach-quality material due to diminishing local offshore sand supplies and heightened restrictions on dredging near coral reefs. The Board supports lifting the statutory restrictions on the use of federal funds for the acquisition of Bahamian or other non-domestic sand for beach renourishment. The Board urges Congress and the Administration to:

- Recognize and acknowledge the high value of beaches and the need to replenish beaches when necessary, particularly in the context of adaptation to accelerated rates of sea level rise.
- Streamline and simplify the regulatory requirements that stem from overlapping jurisdictions of federal agencies in the coastal zone.
- Apportion costs among the federal government and other beach nourishment project participants consistent with the actual economic and environmental benefits that beaches provide to those participants.

## **CLIMATE CHANGE**

The Board has long recognized that climate change is a real and critical issue for the state of Florida and Broward County and that a warming climate poses significant environmental, public health, and economic threats through sea level rise, increased hurricanes, extreme summer temperatures, and impacts to water supply and resources.

The Board urges Congress and the Administration to enact climate change legislation and other national policies that include mitigation adaptation strategies which are fundamental to comprehensive climate planning and to adequately fund programs that reduce GHG emissions; promote energy efficiency and conservation; support energy independence; encourage the development and use of renewable energy resources; and address adaption planning and implementation strategies. Additionally, the Board supports:

- Effective national Cap-and-Trade legislation that supports local government climate actions including local government strategic planning efforts with special attention to areas most vulnerable to the impacts of climate change.
- Risk-based funding, grants, and other local programs that address areas of unique vulnerability to the impacts of climate change, such as Southeast Florida.
- Full funding for the Energy Efficiency and Conservation Block Grant Program, adjustments to the formula for establishing eligibility, and expansion of the program to assist local governments with regional authority to develop and implement regionally coordinated initiatives.
- Full funding for the U.S. Department of Energy to fund programs such as the Clean Cities Program, and making such funds available to local governments.
- Full funding for the U.S. Environmental Protection Agency to fund programs such as the Climate Showcase Communities Grant Program, the Sustainable Skyline Grant Program, and the Southeast Diesel Collaborative and making such funds available to local governments.

### **SOUTH FLORIDA REGIONAL CLIMATE CHANGE COMPACT**

In recognition of the value of collaboration and joint advocacy and the fact that Florida is considered to be one of the most vulnerable areas of the country to climate change impacts, Broward joined efforts with Palm Beach, Miami-Dade and Monroe counties (Compact Counties) in ratifying the Southeast Florida Regional Climate Change Compact. The Climate Compact calls for the development of joint state and federal policies representative of shared climate change challenges and priorities and to advocate for increased state and federal funding for mitigation and adaptation projects.

In furtherance of the Climate Compact, Sections 1 – 4, the Board supports the Southeast Florida Regional Climate Change Compact Counties 2011 State and Federal Energy and Climate Legislative Program, with priority attention on funding the 2011 Regional Adaptation Pilot Project Proposal and legislation that recognizes in law a definition of regional Adaptation Action Area. Specifically, the Board supports:

- Greater recognition of adaptation as a critical issue in the development of climate legislation and appropriations priorities.
- Recognition of an “*Adaptation Action Area*” through designation or other appropriate policy tool, for those areas, such as Southeast Florida, that are uniquely vulnerable to climate impacts, including sea level rise, to encourage technical assistance, and funding opportunities to these areas based on their vulnerability.
- Local government funding for assistance in developing multi-sector mitigation and adaptation plans covering natural systems, human health and the built environment.
- Legislation that furthers local Property Assessed Clean Energy (PACE) efficiency and renewable energy improvements. Congress is urged to pass legislation that removes barriers to PACE and PACE like programs to ensure broad applicability and access and provides sufficient guidance for all.
- Continued focus on Everglades Restoration as an essential component for climate resilience.
- Amendment of the National Flood Insurance Act of 1968 (NFIP) to make available multi-peril coverage for a national catastrophic insurance fund.

The Board opposes oil or gas drilling and exploration in federal waters on Florida's Outer Continental Shelf.

Furthermore, with respect to appropriations and funding related activities, the Board specifically supports:

- The 2011 Southeast Florida Regional Climate Adaptation Pilot Project Proposal.
- Continued funding in FY11 for the Department of Energy's Energy Efficiency and Conservation Block Grant program.
- The U.S. Department of Energy weatherization programs that work in conjunction with My Safe Florida Home to harden buildings against windstorm impacts.
- The Federal Emergency Management Administration's natural hazard mitigation programs to include mitigation for hazards associated with global climate change impacts.
- The Housing and Urban Development Sustainable Communities Program for the seven county South Florida Regional Partnership Consortium project.
- Programs that provide technical assistance for counties to revise their comprehensive plans and land development regulations to incorporate climate change planning strategies.

### **EVERGLADES RESTORATION**

The Comprehensive Everglades Restoration Plan (CERP) provides a framework for restoring the Everglades. This landmark legislation authorizes construction projects and implementation procedures, and establishes a process to ensure that the goals and purposes of the Plan are achieved.

The Board supports restoration of the Everglades and believes that the implementation of the CERP is critical to the future of South Florida and Broward County's environment, economy, water supply, and climate change efforts. The Board has long supported the Broward County Water Preserve Area (WPA) Project, one of the important components of CERP as initially authorized by the 2000 Water Resources Development Act (WRDA), and urges Congress to move the WPA Project forward in the next available WRDA or other appropriate vehicle.

Additionally, the Board values the River of Grass land acquisition as beneficial to CERP. The Board also acknowledges the critical importance of Everglades' restoration to regional climate change efforts, and that a healthy Everglades will provide one of the largest carbon sinks for South Florida. Moreover, the Board further recognizes that water storage within the Everglades significantly mitigates saltwater intrusion into the Biscayne Aquifer, a threat that will increase with rising sea levels. Thus, the Board urges Congress to take any and all actions necessary to fully complete Everglades' Restoration.

### **OFFSHORE OIL DRILLING**

As a peninsular state, Florida has a delicately balanced ecological system of aquatic life, wildlife, coral reefs, wetlands, bays, estuaries and marshes. It is widely believed that offshore drilling, and pipeline construction and installation near any Florida shore has the potential to cause significant damage to aquatic resources as well as negatively impact the state's valuable tourist industry and economy.

Spills from offshore oil drilling in the Gulf of Mexico present a risk to Florida's beaches. Due to the Gulf Stream and loop currents, oil released in the Gulf of Mexico could impact east coast



beaches. Over the past years, hurricanes have devastated the state of Florida, the Florida Keys, and Gulf Coast communities and have severely impacted the energy infrastructure in the Gulf of Mexico. If, as expected, the number and intensity of hurricanes and tropical storms increases as a consequence of climate change, additional oil drilling either along the Atlantic Coast or within the Gulf of Mexico near Florida presents an unacceptable risk to Florida's beaches and economic future.

The April 20, 2010, Deepwater Horizon Oil Spill incident, which resulted in 4.9 million barrels of oil (205.8 million gallons) being spilled into the Gulf of Mexico potentially threatening the Atlantic Coast, served to demonstrate the significant environmental and economic risks posed by oil drilling and exploration to the state of Florida. Because of 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. Broward County's beaches attract more than 7.2 million visitors a year, who contribute more than \$500 million annually to Broward County's economy. Broward County's beaches result in \$29 million of tax revenues annually and more than 17,000 beach related jobs are created and sustained. Thus, in recognition of the economic and environmental value of Broward's sensitive coral reef system and adjacent beach resources, and the lessons learned from the Deepwater Horizon Oil Spill incident, the County remains opposed to activities, such as oil exploration, that present potential for negative environmental consequences nearshore and offshore of either coast. The Board supports ensuring that the longstanding moratorium against off-shore oil and gas drilling around Florida remains intact.

The County recognizes that reliance on foreign oil poses a problem of having to depend on increasingly unstable governments, and further recognizes the influence of global energy demands. Therefore, the Board strongly supports federal efforts to enhance independence from foreign energy sources. The Board supports long-term solutions to both foreign and domestic oil dependence such as reducing the total demand for energy through conservation, energy efficiency, and renewable and alternative energy policies.

## **WATER AND WASTEWATER INFRASTRUCTURE**

Although population growth has slowed over the past several years, Broward County recognizes the importance of visionary, long-term planning, funding and management of water supply development, conservation, wastewater treatment, and effluent disposal. The Board supports the efforts by the Florida Department of Environmental Protection (DEP), the United States Environmental Protection Agency (EPA), and others to identify and fund sustainable, environmentally-sound, cost-effective, technically feasible and timely solutions to the water resource management and regulatory challenges facing the area. Water and Wastewater Services estimates that infrastructure replacement costs over the next 20 years will approach \$400 million. Each year the infrastructure comes under greater stress to meet the water and wastewater needs of the consuming public. The Water Infrastructure Network (WIN), a broad-based coalition of local, state and federal officials, state and federal environmental and health administrators, engineers and environmentalists working to improve water infrastructure nationwide, has estimated that a federal infrastructure funding gap of over \$300-500 billion will exist over the next 20 years.

The Board supports legislation which will supplement current funding, which is insufficient to meet the needs for replacing aging infrastructure such as underground piping, lift stations,

water storage facilities, and conversion from septic to sanitary sewer systems. The Board also supports the efforts of the EPA and the National Association of Clean Water Agencies to persuade Congress to create and fund a clean water trust fund or other similar dedicated funding source for infrastructure replacement. Additional challenges facing local governments in South Florida include the need to develop alternative water supplies to meet all new water demands and develop water reuse opportunities. The Board supports funding for alternative water supplies, reclaimed water systems, and related green technologies.

## **WATER QUALITY**

The Board has long recognized the value of the federal government and the EPA to protect national, state and local water bodies including Florida’s significant water resources, from the Florida Everglades to Broward County’s 1,800 miles of canals. The Board supports strong environmental and water quality policies and strict adherence to the intent and spirit of the Clean Water Act. The Board opposes any weakening of established federal and state water quality standards that would lessen water quality protections or regulations, undermine implementation of the Total Maximum Daily Load Program, or in any way compromise or delay Everglades Restoration. The Board supports continued protection of federal, state and local water bodies as required under the Clean Water Act and the preservation of the rights and obligations of local governments to enact ordinances and programs in support of these goals.

On November 19, 2010, the EPA released a final rule setting numeric nutrient criteria for Florida’s rivers, lakes, streams and springs. The initial regulations proposed for South Florida canals include such restrictive Total Nitrogen (TN), Total Phosphorus (TP), and Chlorophyll-a (Chl-a) standards that, if adopted, would have resulted in broad water quality violations and impaired basins across all of Broward County, an outcome entirely inconsistent with the known quality of Broward County’s water bodies. Extensive stakeholder concerns resulted in the EPA’s deferred development of numeric water quality standards for South Florida canals until 2012. The Board supports the protection of surface waters and groundwater and the establishment of numeric water quality standards that are scientifically defensible. The Board also supports the establishment of standards that protect existing water quality and the designated uses of surface water bodies and connected downstream systems. However, the Board opposes the establishment of numeric water quality criteria that are unnecessarily restrictive, do not reflect the range of water quality capable of supporting a designated use, and do not allow for the natural variability measured in aquatic ecosystems.

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## **HEALTH AND HUMAN SERVICES**

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Broward County recognizes the importance of providing basic human services to protect and assist residents in need. Broward County has demonstrated its commitment by providing funding for the direct delivery of medical assistance, mental health, social and aging services, and housing assistance. The Board 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 equity in and adequacy of funding for human services and opposes any funding reductions in the areas of health, mental health and human services in order to meet the increasing demand.

## **AUTISM**

Autism insurance coverage “parity” connotes that autism would be viewed as a functional equivalent to other chronic medical conditions, and that therapies used to “treat” children diagnosed with an autism spectrum disorder (ASD) would receive insurance coverage for rehabilitative approaches to the disease, similar to someone obtaining physical therapy for a spinal injury or speech therapy after a stroke.

Broad consensus exists across pediatrics, psychiatry, neurology and the allied fields of psychology, speech therapy, occupational therapy and physical therapy that the most efficacious treatment of autism requires early recognition and diagnosis, as well as early intensive treatment while the brain has the maximum potential to recover and/or compensate for the underlying pathophysiologic processes. Additionally, evidence exists that diverse treatments can lead to improved functioning in autism, some to remarkable degrees. The Board supports bills filed in the U.S. House and Senate that would federally mandate autism coverage by insured group health plans. *The Autism Treatment Acceleration Act* is the federal legislation developed and endorsed by the national advocacy group, Autism Speaks.

## **HEALTH CARE REFORM**

As economic challenges multiply, the problem of health care access and cost containment grows, further straining Broward County’s capacity to provide care for its employees, the uninsured, underinsured, and medically indigent residents of the County. The Board recognizes that chronic diseases such as heart disease, diabetes and stroke are the primary drivers of health care costs across the nation. With proper screening and early detection, many of the catastrophic effects of these illnesses can be prevented. Therefore, the Board supports federal legislative actions that expand and protect funding for evidence based community prevention and wellness programs.

Employers nationwide are currently experiencing double-digit increases in annual health insurance costs forcing them to reduce benefits, and/or shift costs onto employees. As a result of these trends, the Board supports federal legislative efforts requiring insurance carriers to disclose and justify annual rate increases over and above certain thresholds. Recently enacted health reform legislation includes provisions that reduce the income eligibility threshold for individuals to qualify for enrollment in Medicaid. The expected result of this change is to significantly increase the number of citizens receiving health insurance coverage through the Medicaid program. As a result, the Board supports legislation providing for full federal funding of this program expansion on a permanent basis.

Studies consistently show that health insurance premiums are significantly impacted by the cost of providing uncompensated care to the uninsured as hospitals and other medical providers shift these costs onto other consumers. To help mitigate this problem recently enacted health reform legislation included a provision requiring individuals to purchase a minimal level of health insurance for themselves and their dependents, or pay a financial penalty to the federal government. The Board opposes any legislative action that undermines the implementation of the Patient Protection and Affordable Care Act of 2010.

## **HOMELESSNESS**

Since 1998, when Broward County received its first U.S. Housing and Urban Development SuperNOFA grant for its Homeless Continuum of Care program, we have made considerable progress in addressing homelessness. Specifically, the Board supports the following ongoing federal policies, programs and funding:

- Increase the Housing and Urban Development's (HUDs) McKinney-Vento Homeless Assistance Grants Program and continue the Homeless Prevention and Rapid Re-Housing Program (HPRP).
- Increase funding levels for appropriations for Homeless Programs within the U.S. Departments of Health and Human Services, HUD, Justice, Veterans Affairs, Education, and Labor.
- Support the federal *Ten Year Plan to End Homelessness Initiative* through seeking \$1 billion in dedicated funding for the *National Affordable Housing Trust*.
- Prevent homelessness through foreclosure assistance legislation targeted to protect both homeowners and renters.
- Support legislation to direct the Department of Justice to gather data on potential hate crimes against people experiencing homelessness, and to prosecute accordingly.

## **MENTAL HEALTH PARITY**

In 2008, Congress passed the Mental Health Parity and Addiction Equity Act which requires that a group health plan of 50 or more employees providing both medical and surgical benefits and mental health or substance abuse benefits ensure that financial requirements and treatment limitations applicable to mental health/substance abuse disorder benefits are no more restrictive than those requirements and limitations placed on medical/surgical benefits. The Board supports expansion of the Act to include group health plans for less than 50 employees and individual health plans while ensuring that costs for those health plans do not increase beyond an acceptable threshold.

The Board recognizes that beginning in 2014, the Patient Protection and Affordable Care Act (PPACA) will provide for parity of mental health and substance abuse benefits. The Board supports appropriate implementation of this provision to ensure that parity is obtained and that mental health and substance abuse disorder services are included as essential benefits in health care plans, and that insurers are unable to use these conditions as a basis for denying coverage or raising premiums.

## **STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP)**

In 1997, the federal government established the State Children's Health Insurance Program (SCHIP). This program was established as a federal/state matching program to cover children who were over income for Medicaid but were uninsured. The Board supports expansion efforts to enroll more eligible children and expand coverage for children who are not Title XXI eligible so that these children and those already enrolled will have consistent access to health care and the burden on the health care safety net is reduced.

## **STEM CELL RESEARCH**

Embryonic stem cells stand as a crucial link to the scientific puzzle that may mitigate the pain and suffering of more than 100 million Americans and provide new therapies and other scientific

opportunities for countless diseases such as diabetes, Alzheimer’s, Parkinson’s, ALS, heart disease, spinal cord injury and cancer. The Board supports protecting and preserving continued federal funding of human embryonic stem cell research.

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## **JUSTICE AND CIVIL RIGHTS**

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The Board 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 disability. In addition, the Board urges the enactment of federal legislation that prohibits discrimination on the basis of gender identity and expression, and sexual orientation.

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## **LOCAL GOVERNMENT / GOVERNANCE**

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### **COLLECTIVE BARGAINING**

The Board opposes legislation which imposes federal requirements relating to the collective bargaining rights of public employees. Jurisdiction for such issues should be reserved for state and local governments.

### **CULTURAL ARTS**

It is the responsibility of the federal government to help make the arts accessible to benefit the social, economic and cultural well being of the American people. Public support of the arts and humanities is dependent upon the development of a cultural infrastructure at all levels of government. The Board supports funding cultural arts programs.

### **GOVERNANCE/HOME RULE**

Broward County is committed to delivering quality services to its community at the lowest possible cost, generating the greatest possible return. The Board supports legislation and regulatory initiatives that reduce the cost of delivering county services. Such legislation may include financing capital investments at the lowest possible cost through additional advance refunding and postage cost savings through expansion of reduced rates for local government.

The Board opposes legislation which would preempt local governments’ ability to regulate outdoor advertisers, and opposes weakening of the 1965 Highway Beautification Act.

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 Board supports maintaining the integrity of home rule power that allows counties to develop and implement solutions to local problems.

## **HUMAN RESOURCES**

As major employers, county governments are directly accountable to residents and employees and responsible at the local level for fiscal, administrative and personnel decision-making. The Board supports home rule ability to effectively manage all aspects of employee salary and benefit packages in the best interest of taxpayers and employees. The Board opposes any legislation that would 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, and further opposes any effort to increase the burden of compliance with employer/employee related federal laws.

## **INTERGOVERNMENTAL COORDINATION**

The Board supports the *Restore the Partnership Act*. Having a voice in the early phases of legislation and having a forum for communication between the various levels of government is vital to passing legislation which is advantageous to America's counties.

## **UNFUNDED MANDATES**

Unfunded mandates can compromise a county's ability to provide essential and discretionary services deemed appropriate by the local community. The Board opposes any federal legislative actions that implement unfunded mandates on a local government's fiscal and public policy.

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## **TRANSPORTATION**

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As Florida's second most populated county, Broward County has ongoing needs to modernize and expand transportation infrastructure and increase capacity to meet the needs of the traveling public and private sectors. Broward County's transportation system must be upgraded in the coming years to accommodate the increasing needs of our growing urban county and region, with particular emphasis on facilitating Express Bus, Bus Rapid Transit (BRT), and Light Rail Transit (LRT) in addition to developing an efficient network to facilitate passenger, vehicular, and freight traffic for airport and seaport connections. The Board supports the development, funding for both operations and capital, and construction of a sustainable transportation system that addresses livable communities while providing a comprehensive regional network, in order to enhance all transportation modes, from seaport and airport to mass transit, rail, roadways, and bicycle/pedestrian facilities. The Board supports policies that will encourage the use of public transportation. The Board supports maximizing the return of transportation funding, including transit funding, to Florida. For years, Florida has been one of the "donor" states; that is, we generate more transportation taxes than we receive from the federal government. The Board supports the strengthening of the Firewall and Revenue Aligned Budget Authority (RABA) provision to ensure that all revenues in the Highway Trust Fund are spent for transportation purposes. The Board opposes legislation that permits funds paid by users into the Highway Trust Fund to be used for any other purpose than to improve the nation's transportation system.

# APPROPRIATIONS REQUESTS

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## ENVIRONMENT AND WATER

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Beach Nourishment	\$ 6 Million
Desalination Alternative Water Supply Study	\$ 500,000
SE Florida Climate Adaptation Pilot Project	\$ 2 Million
Urban League Green Building Project	\$ 691,200

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## HEALTH AND HUMAN SERVICES

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Broward Addiction Recovery Center (BARC)	\$ 1 Million
Pediatric Mortality Public Awareness	\$ 150,000
Sexual Assault Treatment Center (SATC)	\$ 272,000

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## HOMELAND SECURITY

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Public Safety Emergency Communications	\$3.7 Million
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## SEAPORT – PORT EVERGLADES

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Maintenance Dredging of Federal Channels and Sand Tightening of the South Jetty	\$ 5 Million
Southport Dredging Reimbursement	\$ 3 Million
U.S. Army Corps of Engineers Deepening and Widening Program	\$ 1.5 Million

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## TRANSPORTATION - TRANSIT

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Downtown Transit Circulator (DDA)	\$ 11.5 Million
Hybrid, Hybrid-Articulated and Hydrogen Buses	\$ 2.5 Million
Multi-Modal Transit Facility	\$ 2.5 Million
Transit Technology Enhancement Projects	\$ 3.5 Million
Transit Oriented Development-Park and Ride Lots	\$ 3 Million

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## **ENVIRONMENT AND WATER**

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### **BEACH NOURISHMENT**

Broward County is requesting a total of \$25 million over a multi-year period to reimburse the County for the authorized and approved federal share of beach nourishment on 12 miles of County beaches. For FY12, the County seeks \$6 million for partial reimbursement of the County for the authorized share of construction of the Segment III Shore Protection project. This project was constructed in 2005 and 2006 in accordance with a U.S. Army Corps of Engineers (Corps). According to a federal audit, the total federal share of this project is approximately \$21.2 million of which approximately \$5.3 million has been reimbursed to date.

Erosion of Broward County beaches threatens the public safety, economic development, and environment of the region. Broward County Segment III beach construction was completed in February 2006. The requested funding is to reimburse the County for a portion of the 58.4 percent federal share of costs for construction of the beach project. Per the Project Cooperation Agreement, reimbursement is subject to legislative appropriations. To date, reimbursements for the Segment III nourishment project have been received in the amounts of \$2,840,284 (2006), \$1,600,000 (2007), \$492,000 (2008) and \$400,000 (2009). According to Corps's audited accounting, Broward County is currently owed approximately \$15 million in federal government reimbursements. Broward is requesting that \$6 million in incremental reimbursements be included in the FY 12 Energy and Water Appropriations bill. Bill language should specify that appropriated funds are for the purpose of reimbursing Broward County for the federal share of eligible costs for the Broward County Segment III Shore Protection Project.

### **DESALINATION ALTERNATIVE WATER SUPPLY STUDY**

Broward County is requesting \$500,000 to conduct a comprehensive study of utilizing desalination as an alternative water supply. Broward County Water and Wastewater Services is considering the use of desalination for alternative water supply to relieve dependence on the Floridan Aquifer as the primary alternative water supply source to serve the utility's customers. Since the sustainability of the Floridan Aquifer is still unknown, the County is considering the use of desalination as a sustainable supply to meet all of the water supply needs in the future. The benefit to using seawater in the desalination process is that there would be an adequate supply to meet potable and irrigation demands. While the County has studied the use of reclaimed water, this option requires new infrastructure and is not cost effective. Using desalination to meet irrigation demands allows the County to utilize existing infrastructure supplying potable water to residents. This study would combine water supply, reclaimed water use, and effluent disposal in a comprehensive action plan. The use of desalination to meet future water supply demands may also lend itself to a regional solution for the other utilities operating within Broward County.

### **SOUTHEAST (SE) FLORIDA CLIMATE ADAPTATION PILOT**

Broward County is requesting \$2 million to support Phase I development of a regional adaptation strategy for SE Florida – an area critically vulnerable to climate change. This request supports the SE Florida Regional Climate Change Compact ("Compact"), a commitment among four counties to partner in climate change adaptation, and the associated completion of a regional Climate Change Action Plan ("Action Plan"), with funds to be shared equally amongst partners.



SE Florida, comprised of Broward, Miami-Dade, Palm Beach, and Monroe Counties, is home to nearly 5.5 million residents, accounts for nearly one-third of Florida's total economic production, and is one of the most vulnerable regions in the United States to the impacts of climate change. Rising sea level has already begun to overwhelm some of the local drainage infrastructure with salt water rising through drainage culverts and spilling over seawalls. Without intervention, continued sea level rise will impact vast coastal areas and compromise the region's drinking water supply. Recognizing the need for immediate action, the counties of SE Florida committed to the cooperative development of a regional climate strategy to address shared mitigation goals and adaptation needs. Funding of this appropriations request, and the support of our federal partners, will be pivotal to this endeavor, and the development of a climate adaptation strategy for SE Florida is expected to serve as an effective national model for other vulnerable areas.

The development of a regional adaptation strategy involves a partnership with the South Florida Water Management District and support local government efforts to build climate resiliency into long-term plans. Phase I involves a 2-3 year effort that builds upon parallel efforts of the Compact. Phase I includes application of uniform planning parameters in a regional analysis of climate vulnerabilities and identification of necessary adaptation strategies and projects. This first phase will include the development of a SE Florida regional water and climate model with existing county-level models to provide the foundation for this project. Countywide models will be merged and expanded to provide regional coverage, and enhanced with an urban runoff component. Phase I analysis will focus on immediate-need areas requiring adaptation investments and will establish vulnerable areas, test adaptation strategies, quantify the benefits of identified adaptation improvements in terms of level of service and cost, and provide a visual web-based decision-making feature.

Pilot project deliverables will include:

Phase I - Urban system modeling/scenario testing/plan development - This phase of the pilot will set the stage for the adaptation strategies to be employed by local governments within the service area of the South Florida Water Management District. Particular areas of vulnerability and analysis will include sea level rise, drainage and flood control infrastructure, changing precipitation patterns, impacts on groundwater levels, surface water management, and saltwater intrusion and its influence on potable wellfields and water supplies. The SE Florida Climate Adaptation Pilot Project will require vast technical support and professional services to be provided by industry as well as agency partners. Compact Counties will provide substantial leveraging of resources through current modeling projects and regional planning efforts as part of the Compact. Phase I Request: \$2 million to be shared equally amongst the four partner counties and used to analyze urban drainage/surface water management infrastructure with efforts to be built upon local surface/groundwater models, saltwater intrusion models, and global climate models with a detailed assessment of function of existing drainage infrastructure and development of adaptation recommendations for maintaining adequate level of drainage and flood control.

Phase II - Regional system modeling/scenario testing/plan development will build upon the more geographically-specific analyses to identify larger-scale and longer-term improvements required as part of the regional water management system of the South Florida Water Management District (SFWMD) and dependent secondary systems. The Phase II analysis will be led by the SFWMD in coordination with local municipalities and drainage/water control districts.

Phase III – Creation of a SE Florida Regional Climate Change Adaptation Plan - Early Response Infrastructure and Implementation Strategy. Phase III will integrate the results of Phase I and Phase II analyses to produce the water management component of the Action Plan to include the actions, timelines, and funding requirements for identified water management and drainage system improvements critical to a regional long-term climate change adaptation plan.

**URBAN LEAGUE GREEN BUILDING PROJECT**

Broward County is requesting \$691,200 to develop “green building” technologies in the Broward County Urban League’s facility. The facility will offer a variety of community services in the central part of Broward County in a corridor that is accessible by public transit, within walking distance of numerous public and affordable housing sites, and within a mile of downtown Fort Lauderdale. The building will have an area dedicated to youth programming, including afterschool offerings, arts, and educational activities, while adults take advantage of job placement, training and counseling services. The primary goal of the community facility is to increase opportunities for individuals and families to improve their economic and social potential and achieve greater levels of self-sufficiency. The building is situated on a tract of land dedicated to the Urban League through a lease agreement with the County. The building itself has multi-faceted funding mechanisms, including private donations, local dollars and loans. Green aspects have been carefully incorporated to its overall architectural design and include, but are not limited to: (1) photovoltaic panels; (2) rainscreens; (3) lumicor resin paneling; (4) exterior insulation, etc.

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**HEALTH AND HUMAN SERVICES**

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**BROWARD ADDICTION RECOVERY CENTER**

Broward County is requesting \$1 million to build a new Addiction Recovery Center in central Broward County. The Broward Addiction Recovery Center (BARC) is the primary provider of detoxification services in the County and the only option for court-ordered clients. The existing facility offers medically supervised detoxification, non-residential day treatment, and outpatient treatment services in a building that is over 60 years old and in serious disrepair. The cost of new construction is more feasible than bringing the current facility up-to-date. Between 2007 and 2010, a total of 17,034 clients were triaged for detoxification services and 7,046 were admitted. The Detox Unit currently operates at a 97 percent occupancy rate with an average of 24 individuals on a wait list. Funding would allow BARC to significantly upgrade the quality of care as well as add 16 additional beds to support community needs.

**PEDIATRIC MORTALITY PUBLIC AWARENESS**

Broward County is requesting \$150,000 to further enhance existing collaborative efforts underway in the area among the Broward County Commission, Broward Health (formerly the North Broward Hospital District), Children’s Services Council of Broward County, Healthy Mothers, Healthy Babies Coalition of Broward County, and the Broward County Health Department. The Pediatric Autopsy Project offered autopsy services at no cost to families with infants who died during the first year of life as well as fetal deaths within 20 weeks of gestation. Through the partnership of providers involved in the Pediatric Autopsy Project, we seek to continue a successful three-prong public awareness campaign to target: (1) Maternal and Infant Infection; (2) Safe Sleeping/SIDS, and; (3) Family Support/Involvement.

The goal of the next phase of the campaign is to target additional geographic areas of high risk, in order to reduce the unusually high fetal and infant mortality rates in Broward County. During the first phase of funding, the campaign was able to complete a demonstration pilot in the central region of Broward County, which had been shown to have the highest infant mortality rates in the region. The second round of funds expanded the project to penetrate other geographic and demographic areas of need. In this third year of funding, additional communities in Broward County will be targeted with a multicultural campaign to further address rising infant mortality within the Hispanic population, particularly in zip codes 33024, 33064, 33020 and 33023 where the death rates are highest. Since implementation of the Fetal and Infant Mortality Review in 1993, infant death rates have been reduced from 10.1 deaths per 1,000 live births to 5.8 in 2008. However, while decreases have occurred in overall infant deaths, the disparity in deaths of black infants as well as Hispanic babies is still nearly double the rate of white deaths.

### **SEXUAL ASSAULT TREATMENT CENTER**

Broward County is requesting \$272,000 to expand understanding of sexual assault and child abuse, through an evidence-based social marketing campaign. The campaign will target Broward County's culturally diverse populations, focusing on youth through a collaborative partnership with the school system, while also seeking to penetrate historically hard-to-reach groups. Some of the intended uses of the funds include:

- \$65,000 (includes salary and fringe benefits) for a licensed family therapist or social worker, specializing in diverse adult populations.
- \$27,000 to augment the existing part-time salary of the therapist assigned to the local school system, in order to expand services to youth.
- \$10,000 to develop and maintain social media sites on Twitter, Facebook and other appropriate on-line tools.
- \$60,000 to develop and disseminate multi-cultural messaging through radio, television and print media, in a variety of languages.
- \$5,000 for mobile service delivery equipment, including evaluation tools on laptops.

If successful, funds will also be used to improve victim intervention programs by building upon partnerships already underway in the area among Broward Sheriff's Office and local law enforcement victim advocates, Broward County Public Schools, Broward Victim's Rights Coalition, Broward Human Trafficking Coalition, Broward Domestic Violence Council, Child Abuse Coordination Committee, local Community Action Team, and local non-profits. By enhancing existing efforts, SATC will be able to more efficiently target individuals for immediate medical and mental treatment as well as facilitate post-incident therapeutic treatments.

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## **HOMELAND SECURITY**

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### **PUBLIC SAFETY EMERGENCY COMMUNICATIONS**

Broward County is requesting \$3.7 million to refresh a critical element of the countywide trunked radio system. The radio system functions as an emergency communications hub for more than 25,000 police, fire rescue, local government users and 1,400 school buses. The 1.7 million residents of Broward County rely on this system for the timely and reliable dispatch and delivery of emergency services. Specifically, the requested funds will be used to replace the microwave system which seamlessly links the County's transmit/receive tower sites into a single trunked radio communications system. The current microwave system, due to the age of its components, will reach "end of life" for support in December 2011. Past this date, maintenance will be on a "best effort" basis and dependent on spare parts availability.

In addition to ensuring on-going support, the microwave system replacement is essential to the County's migration strategy that will, over the next several years, transition the radio system from the current 800 MHz system to an all-digital 700 MHz P-25 radio platform. While there is sufficient spare equipment to allow for continued support in the near-term, funding this project will mitigate the inherent risk associated with "best effort" support, ensure current system continuity of operations, and enable the County to move toward a fiscally responsible system migration.

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## **SEAPORT – PORT EVERGLADES**

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### **SOUTHPORT DREDGING REIMBURSEMENT**

Broward County is requesting \$3 million to reimburse Port Everglades for the federal share of costs associated with widening and deepening the Southport Channel and Turning Notch. The Water Resources Development Act of 2000 authorized reimbursement of \$15,003,000 to Port Everglades for the federal share of project costs incurred by the non-federal interest in carrying out this project. Past federal appropriations are: FY 2002- \$3 million, FY 2003- \$3 million, FY04- \$600,000, FY05-\$400,000, FY06-\$375,000, FY08-\$703,000, FY09- \$1,435,000 and FY10- \$727,000, FY11-\$3 million requested, \$0 received. The total amount needed for full reimbursement is \$4.763 million.

### **MAINTENANCE DREDGING OF FEDERAL CHANNELS AND SAND TIGHTENING OF THE SOUTH JETTY**

Broward County is requesting \$5 million for maintenance dredging (\$3 million) and for jetty repair, including sand tightening (\$2 million). Funding was requested in FY11 but not granted. Maintenance dredging was last budgeted in FY05 in the amount of \$2 million. This is an operation and maintenance request for federal navigation facilities. The maintenance dredging is listed on the Army Corp of Engineers Channel Prioritization Tool in the top 10 projects in the United States. U.S. Army Corp of Engineers (Corps) surveys in 2009 and 2010 indicate significant shoaling on the north side of the Port Everglades Entrance Channel and the east side of the Southport Access Channel. Both areas have adversely affected the ability of deep draft ships to transit the Port during low tide or when other ships are moored at the berths along the Intracoastal Waterway, a fact which has caused the Port Everglades Pilots to raise specific concerns and calls to remove accumulated sediment from the federal channels to maintain channel depth and width to assure

safe and efficient commercial navigation. Maintenance dredging has not occurred on the Port since 2005 and further delaying the dredging will adversely affect the ability of larger container ships to call at the Port. The project also includes sand tightening of the South Jetty, which has not undergone maintenance since reconfiguring in the 1940s and is in a deteriorating condition. The sand tightening is needed to prevent sand from the adjacent beach from eroding through the jetty jeopardizing the ability of the beach to protect adjacent residential, commercial and government properties from storm damage and to preserve the recreational value of the beach. Investment in the jetty will ensure continued protection of the federal channel protecting the entrance to Port Everglades, it will continue to protect commercial and recreational vessels from waves to ensure safe passage of the vessels as they enter the Port, it will provide storm wave protection for the U.S. Navy Surface Warfare Center's South Florida Testing Facility, which is located adjacent to the jetty, and it will reduce sand loss thus reducing periodic renourishment costs. The complete repair project will consist of replacement and relocation of armor stones on the north side of the South Jetty which have been jeopardizing the stability of the landward portion of the structure and damaging the fishing walkway on the jetty, and the addition of chinking stones and armor stones on the south side of the jetty, as well as restoration of the damaged walkway. The work is described in a Detailed Design Report prepared by the Corps, Jacksonville District.

### **U.S. ARMY CORPS OF ENGINEERS DEEPENING AND WIDENING PROGRAM**

Broward County is requesting \$1.5 million on behalf of the U.S. Army Corps of Engineers (Corps) for the preliminary engineering and design of the Port Everglades deepening and widening program. At this time, the Corps deepening and widening feasibility study for Port Everglades, which began in 1997, continues to move forward. The current draft National Economic Development (NED) plan put forward by the Corps indicates an outer channel depth of 57 feet which transitions to the inner entrance channel at 50 feet. The channel depth of 50 feet continues in to the Main Turning Basin, Widener, South Access Channel and Turning Notch. The results will provide navigational improvements within the Port Everglades harbor by increasing the capabilities for larger class vessels to utilize Port facilities, thus increasing the trade and commerce capabilities of Broward County and all of South Florida. The current benefit-to-cost ratio is 2.0, meaning that every dollar spent on the project is expected to generate a U.S. \$2 return on the investment. The current cost estimate for the preliminary NED plan is \$255 million, with \$155 million funded through the federal government and the remaining \$100 million from the Port and other sources. The Corps' final feasibility report is scheduled to be released in November 2012 with a projected construction start date of January 2015 and completion in 2017.

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## **TRANSPORTATION - TRANSIT**

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### **HYBRID, HYBRID-ARTICULATED AND HYDROGEN BUSES**

Broward County is requesting \$2.5 million for at least two hydrogen buses. The introduction of this new prototype bus will be the first for any Florida transit system and is a high priority for the County, not just for energy efficiency but also for the potential of helping develop this emerging industry. A pilot project will provide an opportunity to evaluate the bus' energy and cost savings over time to determine its efficacy for use by other Florida transit systems. The hydrogen bus only emits water as a by-product thus improving air-quality by not emitting harmful pollutants into the atmosphere. In addition to the hydrogen buses, the County will benefit from the purchase of 40-foot hybrid buses (10 buses at \$750,000) and 10 60-foot hybrid-articulated buses at a cost of \$850,000 each. The total cost for the entire bus purchases is \$18.5 million.

## **TRANSIT TECHNOLOGY ENHANCEMENT PROJECTS**

Broward County is requesting \$7 million for acquisition of transit technology to improve energy and transit efficiency, and safety. The project includes: a Traffic Signal Priority (TSP) system to facilitate the movement of public transit vehicles along heavily congested traffic corridors, installation of a Real Time Information System to provide riders with ADA accessible transit information about the next bus arrival time based on the vehicle's location and conditions in the transit corridor, and the purchase and installation of LED solar panel technology to provide energy-efficient lighting at 2,000 bus stops and to display transit information. These technological advances will address some of the public's reluctance to use public transit by contributing to convenience of travel. Further, the TSP system should ease traffic congestion overall that will benefit all travelers whether riding transit or other modes of transportation.

## **TRANSIT ORIENTED DEVELOPMENT – PARK AND RIDE LOTS**

Broward County is requesting \$3 million to develop geographically-dispersed park and ride lots along the County's regional transit corridors. Funding will be used for property acquisition and developing/renovating existing property to accommodate park and ride use. Park and ride lots will be developed along existing limited-stop routes that presently cross county boundaries or connect with Tri-Rail and should promote transit usage in areas that do not have ready access to transit.

## **DOWNTOWN TRANSIT CORRIDOR**

The Board is requesting \$11.5 million for the Downtown Transit Corridor ("The Wave"). This project is jointly sponsored by Broward County, the City of Fort Lauderdale, and the Downtown Development Authority (DDA). The project seeks to create a livable community by integrating land use, economic development, and transportation, while being environmentally sustainable. The project is also intended to be a catalyst to advance premium rail throughout the County. Broward County's primary participation will be through operation of the transit service, once constructed.

## **MULTI-MODAL TRANSIT FACILITY**

Broward County is requesting a multi-year investment of \$20 million for a major public/private partnership to renovate and expand a major bus terminal. An initial first-year request of \$2.5 million will allow for property acquisition, project design, and development. The bus terminal in downtown Fort Lauderdale currently services countrywide bus routes but needs to be expanded to accommodate more multi-modal public transportation vehicles. Broward County Transit operations will be re-located with its bus services at this central location. The expanded facility will be located adjacent to the Florida East Coast (FEC) railroad tracks, proposed for passenger transport, and in the downtown business district. The renovation will include a transfer station for passengers transferring from rail to bus or bus to rail and would connect to other regional transportation to include Tri-Rail and the proposed Downtown Transit Circulator. The proposed facility will be a major transportation hub that should contribute to the economic vitality of the downtown area by promoting public/private partnerships, job creation and spearheading commerce and retail opportunities. Efficiencies in operations and coordination will be achieved by centralizing function. The County has received local funding from the Metropolitan Planning Organization (MPO) in the amount of \$26 million; however, an additional \$20 million is needed for project completion.

# LEGISLATIVE PROPOSALS

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## ECONOMIC DEVELOPMENT AND TRADE

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### AVIATION

As part of a regional transportation system, the airport is an economic engine that creates and promotes commerce and industry. The Fort Lauderdale-Hollywood International Airport (FLL) serves the air travel needs of Broward, north Miami-Dade and southern Palm Beach counties. In 2009, the airport handled more than 21 million passengers and as of 2008, FLL had generated more than \$2.3 billion in economic activity, which includes 31,500 jobs. The Board supports continued and increased federal funding for the FLL. Funding will provide capital for expansion, maintenance, and security improvements, all vital for travel and trade to the South Florida area. The Board supports legislation that promotes airports and opposes legislation which could be detrimental to aviation interests and supports the following legislative proposals:

- Continued approval and funding assistance to modify all terminals at Fort Lauderdale-Hollywood International Airport to comply with increased federal baggage screening requirements. Installation of the required systems will necessitate design modifications of the existing airport terminals, and the cost for these mandated airport security enhancements and infrastructure improvements is estimated to be \$130 million.
- Retained Transportation Security Administration (TSA) responsibility for security of check-point exit lanes, or in lieu of, provide funding to implement technology-based alternatives, verses imposing an unfunded mandate.
- Issued Letter of Intent (LOI) by the Federal Aviation Administration (FAA) to fund the development of a new runway at FLL, based on the determination of the FAA Final Environmental Impact Study (FEIS) and Record of Decision. The project is an extension of the existing runway 9R/27L to 8,000 feet in length. This project will meet the Federal Purpose and Need, to provide operational capacity to accommodate projected 2012 and 2020 aviation demand and promote safe and efficient air travel in the National Airspace System. FLL is requesting \$300 million in Airport Improvement Program funding to be committed to this critical project.
- Expanded service hours and additional staffing for United States Customs and Border Protection (CBP) at Fort Lauderdale-Hollywood International Airport. FLL is a rapidly growing port of entry which, along with Port Everglades, requires staffing support to meet expanding needs and volume. The service hours of the CBP facility at FLL need to be expanded to 24 hours per day, 7 days a week to support the continued growth of South American operations.
- Reauthorized FAA Funding: The Board urges Congress to pass a multi-year FAA reauthorization bill, which expired in September of 2007, which maintains or increases the current level of general fund contributions and provides for a stable revenue source for future operational and capital needs. This includes continued funding of the Airport Improvement Program (AIP) which funds the infrastructure needs of United States airports in the areas of safety, security, construction and noise projects, at or above the current (FY07) levels. Broward County also supports the expansion and streamlining of AIP for safety and security projects.
- Increased maximum base rate for Passenger Facility Charges (PFCs) which allows such charges to keep pace with the Consumer Price Index (CPI).

- Proposed changes to the Airport Rescue and Fire Fighting standards should be evaluated in the context of the FAA's rulemaking process where safety, costs, and benefits can be thoroughly considered.

The Board also opposes the transfer and consolidation of Terminal Radar Approach Control (TRACON) to the existing Miami TRACON. The TRACON facility that has been proposed to be relocated is currently co-located with the air traffic control tower in Palm Beach County.

## **PORT EVERGLADES**

Port Everglades is recognized as the third largest cruise port in the world, as well as one of the largest containerized cargo business entities in the Southeastern United States. It is a primary bulk cargo depot for South Florida, as well as the petroleum distribution point for 12 counties and provides jet fuel for three international airports. The Board supports:

- Funding for intermodal freight connectors (highway, maritime, rail) which are vital to port efficiency and cargo mobility. Connectivity projects for the regional landside movement of goods and cargo and the facilitation of cruise passengers are necessary due to unprecedented projected growth in international trade, a robust cruise industry and the needs of the U.S. military.
- Permanent funding for Port Customs Inspectors and additional resources for U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services and the U.S. Department of Agriculture, Animal and Plant Health Inspection Service in order to keep pace with growth in cargo and cruise activities.
- Expanded federal funding for continued maintenance of Federal Navigation Channels and funds to complete the feasibility study and to initiate project engineering and design for harbor deepening in support of international trade. Furthermore, the federal cost-sharing formula for navigation improvement projects should be reformed to reflect the growing size of general cargo vessels and their corresponding navigation channel needs, as well as the significant burden on local port authorities of maintaining channels deep enough to accommodate the larger general cargo vessels. The growth in size of the ships is largely driven by shippers who continually seek greater economy of scale. The channel depth threshold for significantly higher local cost-share on construction and maintenance projects should be increased from 45 feet to 53 feet to reflect the size of the current world ship fleet.
- Legislation requiring the annual harbor maintenance tax revenue to be made fully available to the U.S. Army Corps of Engineers for maintenance dredging and related purposes in its annual appropriation and not used for deficit reduction. Users of federal navigation channels pay an ad valorem tax of 0.125 percent into a trust fund on imports and domestic waterborne shipments between U.S. ports to provide a source of non-federal revenue to perform maintenance dredging. Ports compete for this cargo, and the growth of containerized cargo and the prospective expansion of the Panama Canal have intensified competition among U.S. ports. Despite a large surplus in the trust fund, the busiest U.S. harbors are presently under-maintained. The U.S. Army Corps of Engineers (Corps) estimates that full channel dimensions at the nation's busiest 59 ports are available less than 35 percent of the time. This situation can increase the cost of shipping as vessels carry less cargo in order to reduce their draft or wait for high tide before transiting a harbor. It could also increase the risk of a ship grounding or collision, possibly resulting in an oil spill.
- One universal Transport Worker Identification Card (TWIC) that includes a biometric credential for port workers and visitors in order to authorize their unescorted access to secure areas of vessels and facilities. Individual states should not impose maritime security background



checks that are different than or in excess of those mandated by the federal government for a TWIC. TWIC enrollment centers should be maintained at locations within very close proximity to the Port and the inflexible requirement that an individual must make at least two trips to the enrollment center, one to apply for and another to pick up the credential should be repealed.

- Completion of the Government Accountability Office (GAO) study required by Section 817 of the Coast Guard Authorization Act of 2010. The independent GAO is required to study the background checks and forms of identification required under state and local security programs and determine whether such programs duplicate or conflict with federal programs.
- Waiving the cost-share component of the Port Security Grant program. This program continues to be a valuable program for ports, who partner with the Department of Homeland Security (DHS) to harden security at U.S. ports and protect our homeland. However, the 25 percent cost-share is a significant economic disincentive to make security enhancements and implement regional maritime security plans. In these tight economic times, the cost-share is an even greater problem as ports are cutting back in all areas to address economic shortfalls.
- Repeal the tariff of 54 cents per gallon for ethanol delivered from foreign countries to Florida ports in order to keep Florida gasoline prices at levels competitive with other states. Presently, the state of Florida mandates that all gasoline sold in Florida be mixed with 10 percent ethanol. It is logistically inefficient, environmentally unfriendly, and very costly to truck/rail transport Midwestern ethanol to Florida. In the past year, the U.S. has produced more than 9.6 billion gallons of ethanol. As of May 2008, U.S. ethanol imports were at an equivalent of 530 million gallons for the year (107 million gallons, both domestic and foreign, came through Port Everglades in 2008). All imported ethanol, with the exception of Caribbean Basin Initiative imports, incurs the standard U.S. import tariff on ethanol of 2.5 percent duty, plus an imposed tariff of 54 cents per gallon. In order to keep Florida gasoline prices at levels competitive with other states, a repeal of the tariff of 54 cents per gallon for ethanol delivered from foreign countries to Florida ports is fiscally and environmentally prudent.
- Trade Agreement Parity (TAP) will allow the Foreign Trade Zones Board to permit zone-based manufacturers to equalize the tariff conditions between U.S. factories and factories in Free Trade Agreement (FTA) countries. FTAs are good for the United States and promote global prosperity and U.S. competitiveness. FTAs eliminate duties on products that are imported into the U.S. from countries that agree to eliminate duties on U.S. exports. However, this U.S. tariff policy can make it more costly to make products in the U.S. for sale in the U.S. or for export, than to make them in FTA partner countries, using the same components and raw materials in each location. TAP levels this situation.
- Reauthorization and full funding of the Diesel Emissions Reduction Act (DERA). This law, signed as part of the Energy Policy Act of 2005, authorizes \$200 million annually to fund diesel emissions reduction projects at the federal and state levels. The legislation builds upon the good work that the Environmental Protection Agency is doing to address so-called "legacy" diesel engines. DERA provides grants retrofit, repower, refuel or replacement of older diesel engines. Reducing emissions from diesel engines provides significant public health benefits for port communities and port workers and helps to ensure that verified emissions reduction technologies are put into place earlier than would happen otherwise. The legislation should be reauthorized so as not to expire in 2011.

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## **FINANCE AND TAX**

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### **CHILD CARE TAX CREDIT**

The Child Care Tax Credit (CTC) is an important anti-poverty and pro-work tax policy that improves the fairness of the tax code and directs tax relief to children in low-income families. The current credit indexes the income eligibility threshold for inflation, excluding more families every year. The Board supports legislation which lowers the income threshold at which the CTC is refundable.

### **EARNED INCOME TAX CREDIT**

The Earned Income Tax Credit (EITC) is intended as a wage support for poor and low-income families, and has been one of the federal government's most effective tools in lifting millions of Americans out of poverty. The Board opposes any proposal to initiate a pre-certification process or any effort to increase requirements for qualification of the EITC.

### **TAX RELIEF**

In 2006, a provision was included in legislation that, starting January 1, 2011, and extended until January 2012, every county that spends at least \$100 million per year on goods and services will be required to withhold three percent of funds from a vendor or contractor for federal tax purposes. The few exemptions include payments for real property, interest, and those made in connection with a public assistance program based upon need or income or pursuant to a classified or confidential contract. The requirement does not apply to payments to county employees. It does apply to items purchased using a county credit card. There is no minimum transaction. This requirement will be extremely expensive to implement, and in many cases will require programming changes to financial and accounting systems and the hiring of additional staff. The policy will discourage contractors from bidding on government products and increase pricing. The Board supports repeal of this unfunded mandate in Section 511 of Public Law 109-222.

In addition, the Joint Committee on Taxation's proposal to "require state and local governments to report to taxpayers and the IRS the amount of real estate taxes paid" would impose a significant unfunded mandate and data redaction issue on local government. The County is not able to discern which taxes are tax-deductible, and additionally would need information systems that captured, stored, and protected relevant social security numbers from the public record. The Board opposes legislation that would compel the County to report the amount of real estate taxes paid to the IRS and to individual taxpayers.

Airports and seaports play a critical role in the U.S. economy. Fort Lauderdale-Hollywood International Airport and Port Everglades are major economic engines vital to the economic prosperity of Florida, and Southeast Florida in particular. Investment in capital infrastructure improvements is essential to keep pace with growing demands in moving people and goods. Despite the fact that a great majority of the nation's airports and seaports are publicly owned, and the public use and benefits of such facilities, a major percentage of bonds airport and seaport issue to finance infrastructure projects are deemed or classified under the U.S. tax code as Private Activity Bonds (PABs). This treatment results because private businesses are significant users of airport and seaport facilities and provide a large portion of the revenues used to repay the bonds. While the interest on PABs is exempt from ordinary federal income tax, the interest paid

to investors is subject to the Alternative Minimum Tax (AMT). Because this tax treatment makes PABs a less attractive investment, airports and seaports often times must pay an interest premium (e.g., 10 to 30 basis points on average) to investors. Also, PABs cannot be advance refunded to take advantage of lower financing rates that may occur in the future, thus, prohibiting airports and seaports from efficiently managing their debt.

In 2009, Congress provided a two-year AMT exemption for PABs expiring December 31, 2012; PABs issued afterwards will be subject to the AMT penalty. Removing the AMT penalty that investors pay, and airports and seaports pay through discounting penalties, is vital to avoiding an increase in airports and seaports' costs for financing needed and publicly beneficial infrastructure projects – projects critical to advancing America's trade and tourism interests, securing jobs, and creating or expanding businesses for our economy. Therefore, the Board supports federal legislation to permanently eliminate the AMT penalty on airport and seaport private activity bonds, and to permit the advance refunding of PABs issued for port-related infrastructure projects.

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## **HEALTH AND HUMAN SERVICES**

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### **BREAST CANCER PATIENT PROTECTION ACT**

Breast cancer is the most common cancer diagnosed in women in the United States. When medically necessary, mastectomies and other breast cancer related surgeries are traumatic and physically debilitating. In the past, some insurers have required these procedures to be performed on an outpatient basis, to the detriment of the patient's health. The Board supports legislation to require insurers to cover a minimum 48 hour stay in the hospital for patients undergoing certain breast cancer related procedures.

### **CHILD CARE DEVELOPMENT FUND**

The Board supports increased funding through the Health and Human Services Appropriation for licensing and monitoring of child care facilities.

### **HIV HEALTH AND SUPPORT SERVICES**

Broward County continues to be a county with one of the highest HIV/AIDS populations in the United States. From initial surveillance reporting YTD through September 2010, 27,372 Broward County residents have been diagnosed with AIDS or HIV (non-AIDS), with 16,298 (60 percent) persons living with HIV/AIDS (PLWHA). Among living PLWHA, 8,689 have AIDS (53 percent) and 7,609 have HIV (non-AIDS (47 percent). For FY 10-11, Broward County received \$15.3 million in Ryan White Part A funding under the Ryan White HIV/AIDS Treatment Extension Act of 2009. This source of funding continues to be the primary funding mechanism for health and support services for people living with AIDS and HIV in Broward County.

Funding allocations for the Ryan White HIV/AIDS Treatment Extension Act of 2009 are largely based on a formula which only takes into consideration the place of residence of persons at the time of initial diagnosis. Under current law, if a person diagnosed with HIV in one area of the country moves to a different area of the country, the funding for the case is not transferred to that new area, but remains at the point of diagnosis. This is referred to as the "migration factor." It is estimated that 34 percent of all persons in Broward County with a positive diagnosis were

tested elsewhere; a policy shift which results in a severe financial burden on Broward County. The Board urges Congress to revisit funding disparities, and require the Centers of Disease Control and Prevention to revise HIV Reporting to adjust for the migration factor.

The growing gap between increasing HIV/AIDS cases and funding continues to create significant challenges in sustaining access to high quality HIV care in Broward County. Although Broward County is aggressive in achieving efficiencies in the use of Part A funds, the system of care is reaching its critical mass. Without additional funding, the Eligible Metropolitan Area (EMA) will be forced to consider the rationing of life-sustaining medical care and treatment to meet the documented increased demand for health related services. The Board supports full funding of the FY10 grant application in the amount of \$23.4 million, which will support stabilizing the lives of persons living with HIV/AIDS by increasing access to core medical and support services through increased funding of the Ryan White HIV/AIDS Treatment Extension Act of 2009 and the Housing Opportunities for Persons with AIDS (HOPWA). The Board urges Congress to increase funding for the Health Resources and Service Administration for its Ryan White Part A Formula, Supplement and Minority AIDS Initiative programs in order to adequately address the HIV/AIDS needs of the community.

The Board strongly supports development and implementation of a National HIV/AIDS Strategy for the United States. The Strategy should be designed to reduce HIV incidence, increase access to HIV-related care, and reduce racial disparities in the epidemic through:

- Reliance on evidence based programs.
- Ambitious and credible treatment targets and annual reporting on progress towards achievement, identification of clear priorities across federal agencies, clear assignment of responsibilities, collaboration and development of timelines.
- Inclusion of all elevated risk groups, specifically African Americans and gay men.
- Addressing of social factors that are associated with increased risk of infection.
- Strengthening of research efforts.
- Involvement of all sectors including governmental, private, research, community, civil rights, faith based, and people living with AIDS.

The Board also supports increased funding for core medical services consisting of AIDS pharmaceutical assistance, outpatient/ambulatory health services, oral health care, medical case management, mental health services, medical nutrition therapy, and substance abuse services-outpatient. Increased funding of support services is also supported for food bank, medical transportation, legal services and outreach services.

Furthermore, the Board supports all of the following:

- Expansion of federal programs which provide scholarships and financial assistance to students committing to medical careers in HIV/AIDS and promote specialization in communities designated Health Professional Shortage Areas.
- Increased funding for HIV related Respite Programs and loosening of eligibility criteria to ensure earlier access and availability of supportive services for care givers.
- HIV testing of inmates upon incarceration in order to reduce the impact of transmission.
- Increased funding of the Ryan White Care Act.
- Continued funding for the AIDS Drug Assistance Program to ensure pharmaceutical access.
- Full funding of the Housing Opportunities for Persons with AIDS (HOPWA) program to meet the housing need for people living with HIV/AIDS.

## **JEWISH RESPITE HOME**

The Board supports the construction of a Jewish Respite Home and Family Resource Center for Children with Autism to be located in Sunrise, Florida. This project will provide a timely and critical benefit to the community, as it will be used to construct a facility to provide extended respite services, family caregiver relief, parent training and support, therapy, recreation and independent living skills training to autistic children in the entire South Florida area.

## **LIVING ORGAN DONATION**

The Board urges Congress to revise the eligibility criteria for the Family Medical Leave Act (FMLA) and to allow tax credits and other financial incentives to offset un-reimbursed costs of organ donation in order to expand opportunities for living organ donation. At any time, approximately 100,000 Americans are awaiting organ transplants, with only one-quarter of those persons actually receiving a transplant. Eighty-three percent of all transplant patients (both successful recipients and wait-listed persons) receive Medicare. The fiscal impact to taxpayers at the federal level to maintain one person with kidney failure on dialysis is \$55,000 per year. Since waiting time for a deceased donor kidney is approximately four years longer than a living donor kidney, Medicare can save roughly \$220,000 on average for each living kidney transplant. Kidney transplant cost estimates can be extrapolated to other organs that can be donated by living persons, such as a liver, lung, pancreas, or intestine. At this time of budgetary pressures, rising inflation and escalating national deficits, the Board supports congressional efforts to encourage living organ donation as a fiscally responsible and compassionate policy.

## **MEDICAID**

The Medicaid program is recognized nationally as a partnership between the federal and state governments to provide medical assistance to certain individuals and families with low incomes and resources. Unlike many states, Florida requires counties to contribute financially to the Medicaid program, subsidizing the state's share, leaving counties vulnerable each year to potential cost shifts when there is a state budget deficit or shortfall. As the state seeks to implement the federal waiver to help provide predictability in the cost of the state's share for Medicaid, the Board supports legislation which:

- Increases the percentage the federal government reimburses states for Medicaid expenditures through the Federal Medical Assistance Percentages (FMAP), based on a sliding scale, so that states with lower personal incomes will have higher FMAPs.
- Allows the state to finance and promote the objectives of the Medicaid program without shifting additional costs to county government.
- Allows the use of intergovernmental transfers (IGTs) to help draw down additional federal funding without supplanting the state's share with local funds that have been certified to be federally matched, in addition to the state's contribution.
- Provides the financial infrastructure for the state to sustain Medicaid non-emergency patient transportation services by using a methodology rate process for distribution of funds to counties that does not shift financial responsibility of these services to the local level.
- Provides flexibility at the local level for counties to actively participate in the state's efforts to reduce unnecessary nursing home placement by allowing counties to re-direct their Medicaid match to fund local health care services or community-based care programs.
- Maintains and preserves critical mandatory and optional services such as the Medically Needy program.

- Ensures Medicaid coverage for dual eligible clients (Medicare/Medicaid).
- Allows a Medicaid funding increase and expanded prescription coverage without any copayments.
- Enables the state of Florida to seek a waiver from the Department of Health and Human Services, Food and Drug Administration to allow state and local governments to explore the purchase of Canadian pharmaceuticals in an effort to reduce costs.
- Removes administrative and statutory barriers to obtaining prescription medications confronted by people living with HIV/AIDS; ensuring they are not forced to interrupt life-saving medications while learning to navigate the complex system of care.

The Board opposes legislation which:

- Diverts county funding for older adults, developmental disability, or behavioral health services, to managed care programs.
- Changes the funding formula for the Medicaid program between the federal and state government that would reduce the federal share to Florida.
- Eliminates statewide application of mandatory or optional Medicaid services for eligible recipients.;
- Eliminates the upper payment limit or low income pool for the state of Florida.
- Requires proof of citizenship for receipt of Medicaid services.

## **MEDICARE**

Legislation is critical to ensure the future solvency of the Medicare fund which serves more than 30 million elders (69 million by 2030) as well as those elders dependent on Medicare for all or part of their medical and long-term care coverage. The Board supports the elimination of the 24-month waiting period for individuals to access Medicare benefits after receiving a disability determination. The Board supports legislation which will ensure adequate funding of the Medicare program. Some Health Maintenance Organizations (HMOs) in Florida and across the country are restricting services, increasing co-payments, and imposing prescription drug caps on their insured members. Thousands of South Florida Medicare recipients rely upon daily prescription medication. The Board supports inclusion of prescription drug coverage within the traditional Medicare framework. The Board also supports permanent Medicare funding for medical immunosuppressants and other related drugs. Further, the Board urges Congress to expand Medicare coverage for home- and community-based care as a cost-effective and evidence-based alternative to nursing home care. The Board also supports legislation that closes the current gap in prescription coverage of the Medicare Part D program and removes administrative barriers to obtaining prescription medications for people living with HIV/AIDS.

Broward County is one of nine areas in which the Medicare Competitive Bidding Program (CBP) was implemented in January, 2011. The CBP established Round 1 of purchasing durable medical equipment, prosthetics, orthotics, and supplies through mail order. Round 1 does not include the Anti-Switching Rule that goes into effect in 2014. The Board supports Medicare efficiencies, but not at the expense of compromising a beneficiary's health. Of particular concern in the CBP is the supplies and equipment required to monitor diabetic patients. The Anti-Switching Rule requires contracted suppliers to furnish the brand of testing supplies that works with the beneficiary's monitor. Not requiring the Anti-Switching Rule could endanger the lives of beneficiaries or subject them to undue influence to experimenting with approved equipment or supplies.

## **SELF-SUFFICIENCY**

The Board supports increased levels of funding for the Community Services Block Grant, which supplies core funding for local agencies assisting the lowest income families in America. Adequate funding levels for this program will increase self-sufficiency and reduce dependency on public funds. The Board also supports increased levels of federal funding to Florida for the Community Assistance Program and the Low Income Home Energy Assistance Program.

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## **HOMELAND SECURITY**

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### **PERMANENT FEMA OFFICE**

The Federal Emergency Management Agency's (FEMA) Long-Term Recovery Office in Orlando, Florida, was created in response to the slow recovery from the hurricanes of 2003 and 2004, and plays a vital role in the ongoing management of many outstanding issues related to past storms. Florida is ranked third in the country for natural disasters, yet Alaska, Mississippi, Alabama, Louisiana and Texas all have established permanent field offices. Therefore, the Board supports the permanent designation of Florida's FEMA field office. The Board also supports federal support of regional interoperability programs.

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## **INSURANCE AND CONSUMER SERVICES**

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### **CONTAMINATED DRYWALL**

The Board supports federal legislation to require the Consumer Product Safety Commission to study drywall imported from China in 2004 through 2007. In addition, the Board supports federal legislation which helps consumers recover losses due to contaminated drywall and opposes any legislation which provides immunity protection to manufacturers or developers who sold or installed defective and hazardous drywall. As many as 36,000 homes in Florida may contain the contaminated drywall, which can give off a sulfurous "rotten egg" odor, tarnish metals and ruin appliances and electronics by corroding pipes and wires.

### **DISASTER ASSISTANCE FOR INSURANCE DEDUCTIBLES**

Florida is prone to hurricanes and, in recent years, has been struck by multiple hurricanes in one season. The Federal Emergency Management Agency (FEMA), through the Stafford Act, provides disaster assistance to local governments whose facilities are damaged by a natural disaster. The County is required to obtain insurance for its facilities and maintain it, as a condition of receiving FEMA assistance for a disaster-damaged facility. FEMA will not provide disaster assistance for damage or losses covered by insurance. While FEMA will reimburse the County for deductible costs incurred on a damaged insured facility, FEMA will not reimburse deductibles for the same facility damaged in a subsequent natural disaster of the same type. Accordingly, the Board supports an amendment to the Stafford Act that directs FEMA to reimburse local governments for 100 percent deductible costs incurred for an insured facility damaged by multiple same-type disasters, regardless of the number of events.

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## **JUSTICE AND CIVIL RIGHTS**

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### **FEDERAL BENEFITS FOR UNCONVICTED INMATES**

The Board supports reintroduction and passage of legislation that protects Medicaid and Veteran's benefits for residents in institutions for mental disease and that protects SSI/Medicaid health benefits for jail inmates prior to sentencing. The Board opposes any efforts to circumscribe in the Patient Protection and Affordable Care Act (PPACA) a person's ability to participate in a health plan based on his or her incarceration status. The Board supports formal action, through HHS regulation, rules or guidance, to resolve any ambiguity about whether a person's incarceration status (including pretrial release and community control) affects his or her eligibility to enroll in a health plan under the PPACA, including further defining of the term "incarcerate."

### **FEDERAL COURTHOUSE**

In 2005, a recommendation was made against the reconstruction of the Fort Lauderdale federal courthouse and for dividing Broward County's federal caseload between the Miami Courthouse and the yet-to-be-constructed Palm Beach Federal Courthouse. However, there is no doubt that all three courthouses are urgently needed in this region, which is the sixth largest metropolitan statistical area in the United States. The elimination of a federal courthouse in Broward County would lead to the disenfranchisement of the 1.8 million people who reside here, and create a hardship for citizens who would be required to travel approximately 100 miles round-trip when appearing as a potential juror or witness in a federal case. Additionally, the elimination of the facility would have a significant negative financial impact on the county, resulting in job and other economic opportunity losses. The Board strongly supports the retention and rebuilding of the federal courthouse in Broward County.

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## **LOCAL GOVERNMENT / GOVERNANCE**

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### **COMMUNICATIONS**

Broward County recognizes that the advent of communications technology presents considerable opportunities for counties to enhance the quality of life in their communities by providing regulatory powers over video, communication, and internet services in order to protect the health, safety, and welfare of the public and to ensure the same level of services for all residents. There are significant fiscal and policy implications that will require prompt and thoughtful decisions about maintaining local regulatory authority, zoning, taxation, consumer protection, and local government communication networks and infrastructure. The Board supports establishing an equitable system that promotes improvements to the federal tax and fee structure for communications products and services that will strengthen Florida's economy, while maintaining revenue neutrality for local governments. The Board also supports the preservation of local government responsibility to manage communication franchises, public resources, including, but not limited to, public rights-of-way, and cable rate regulation legislation that will be more consumer friendly and may provide greater authority to local governments. The Board also supports legislation requiring network neutrality that prohibits Internet providers from discriminating or limiting informational content available to the general public.



In December 2007, the Federal Communications Commission (FCC) adopted a rule that supersedes local governments' authority of the video franchise process by imposing requirements to control the franchising of competitive video franchise applicants and limit the service build-out requirements to residents. In addition, the rule pre-empts all level playing field provisions in existing local franchise agreements and in the County's communications ordinances. The Board opposes the FCC Rule and supports federal legislation reversing the FCC's decision.

Currently, federal agencies that lease space for wireless towers must consult with local and state governments regarding zoning. The wireless industry is asking for an exemption that would eliminate federal or local agency authority to deny zoning for a wireless tower or antenna. In addition, Congress may exempt local zoning authority for digital television towers because significantly higher towers must be built. It is unknown if additional tower height can be added to existing towers, or if new towers will have to be located elsewhere. The Board supports maintaining local control over the siting of wireless service towers and antennas, and maintaining local control over the zoning of digital television towers.

Present law mandates that landowners and developers exhaust local and state appeals in zoning matters before going to federal courts. The Board opposes legislation that would bypass, undermine, or in any way limit the authority of local governments regarding zoning.

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## **TRANSPORTATION**

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### **PARATRANSIT – TRANSPORTATION**

The Board supports legislation that would allow Americans with Disabilities Act (ADA) paratransit services to provide transit services beyond the current service area in other counties and jurisdictions, if appropriate state and federal funding for such cross-county travel is available and sufficient.

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## **TRANSPORTATION AUTHORIZATION**

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The current multi-year surface transportation bill, SAFETEA-LU, has expired and Congress has not yet authorized a new spending bill. Reauthorization of surface transportation legislation will provide for an expanded public transit system to include needed transit infrastructure for expansion and job development. In addition, reauthorization will make available new funding for the New Starts program. The Board supports reauthorization of a new multi-year surface transportation bill and funding for the following transportation related projects:

### **Intermodal Container Transfer Facility (ICTF)**

Broward County is requesting the authorization of \$24.8 million for the construction of a combined facility and rail spur in Port Everglades to allow for the intermodal transfer of international containers between ship and rail. This near-dock facility will serve multiple shipping lines and increase the movement of goods by rail and correspondingly decrease in the movement of goods by truck which will provide significant local and regional environmental benefits by slashing the emission of air pollutants associated with container cargo transport by truck. In addition, using rail versus trucks substantially reduces port truck loading and unloading wait times, resulting in minimized truck idling which is a source of air contaminants.

### **Northport Bypass Road**

Broward County is requesting the authorization of \$26 million for two phases of the construction of the Port Bypass road. The Road is needed to secure the Port jurisdictional areas from non-Port-related traffic and permit entry of only Port business-related users to the facility. Currently, both Port and non-Port traffic commingle as non-Port users often travel through the Port security entry points at I-595/Eller Drive and at U.S. 1/Spangler Boulevard (traversing along Eisenhower Boulevard) to get to the Broward County Convention Center. The proposed Bypass Road will enable unrestricted vehicular access from U.S. 1 to the Convention Center and/or to the 17th Street Causeway. Therefore, the new Bypass road will permit non-Port users, including Convention Center attendees, the ability to travel to the Convention Center and/or to 17th Street Causeway without entering the restricted-access areas of the Port, thereby separating “Port” traffic from “non-Port” traffic.

### **Transit Technology Enhancements**

Funding will allow for technology improvements to include: Traffic Signal Priority (TSP) system to facilitate the movement of public transit vehicles along heavily congested traffic corridors, installation of information panels to advise the public with transit information on the next vehicle’s arrival, and installation of LED solar panel technology to provide energy-efficient lighting at 2,000 bus stops.

### **Hybrid, Hybrid-Articulated and Hydrogen Buses**

The purchase of hydrogen and hybrid buses will replace older, less energy-efficient vehicles resulting in energy savings while also contributing to better air quality. By adding more 60-foot articulated buses, capacity issues on the busiest transit corridors will also be addressed. The purchase of hydrogen buses presents the County with an opportunity to introduce into its bus fleet the latest environmentally-friendly, energy-efficient prototype vehicle. The hydrogen bus has only water emissions thus reducing harmful pollutants into the air.

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## **WATER RESOURCES INFRASTRUCTURE**

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### **HERBERT HOOVER DIKE**

The failure of the Herbert Hoover Dike surrounding Lake Okeechobee could have disastrous effects on the surrounding region, including Broward County. Reports have indicated that the Dike does not meet federal safety standards and may pose a threat to people and the environment. The Dike is currently undergoing rehabilitation with an estimated date of completion of 2030. During rehabilitation, water levels in the lake are maintained one foot below the historical average resulting in less water storage and regional water supply. Therefore, the Board supports continued federal funding for the complete repair and protection of the Herbert Hoover Dike around Lake Okeechobee. The Board also supports any and all actions by the federal government to expedite full rehabilitation of the Herbert Hoover Dike.

### **HILLSBORO PINES WATER AND SEWER INFRASTRUCTURE**

The Board supports the City of Coconut Creek’s efforts to seek federal funding for installation of water and sewer infrastructure in the Hillsboro Pines area.

## **OFFSHORE WATERS**

The Board has long recognized the necessity of protecting the County's natural resources and has established strong environmental practices and regulations designed to protect and improve the quality of our water resources and dependent ecosystems. This is evidenced by the implementation of many County standards and operational practices which are more stringent than those of the state and federal governments. We strive to ensure that our policies and practices are guided by our environmental commitments, sound science, and accepted technologies.

Wastewater disposal has been an issue of great concern to the county as it seeks to address the obvious infrastructural needs of a growing urban population while protecting the natural systems that contribute to our quality of life and provide the foundation for our strong economy. We currently utilize all the available accepted technologies as part of our wastewater disposal practices and have supported regional efforts to ensure the continued protection of our coastal waters and reef system. Broward County, along with DEP, NOAA and others, is a partner in the Florida Area Coastal Environmental Initiative (FACE), which is currently conducting a scientific investigation of the sources and relative contributions of various nutrient inputs to our coastal waters. The Board supports the efforts of the FACE stakeholders, which will study the urban and natural sources and impacts of nutrients, trace metals and other constituents in the marine and estuarine environment. Additionally, the Board also strongly recommends that federal and state agencies implement a long-term coastal water monitoring program for the southeast Florida region. Monitoring will provide scientifically based information for making policy and regulatory decisions to control the impact of pollutants and to protect the coastal environment.

In addition, the Board supports the efforts of the U.S. Coral Reef Task Force. Through the coordination of the National Oceanic and Atmospheric Administration (NOAA), stakeholders, including the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission (FWCC) and Broward County, have coordinated formation of an interagency and stakeholder strategy team for coral reef management and conservation. This strategy team is implementing a local action plan to improve coordination of technical and financial support for conservation and management of coral reefs from Miami-Dade County northward to the St. Lucie Inlet in Martin County. The Board supports this effort and will continue to participate and support in developing the local action strategies for the conservation of this important resource.

In the early 1970s, 2 million tires were dumped into the Atlantic Ocean off the coast of Broward County, intended to create an artificial reef. Instead, approximately 700,000 tires spread over 34 acres, became loose and migrated to the outer face of the middle reef tract, creating a "dead zone" on the reef. To stop further destruction of the reef, the tires must be removed. A partnership of agencies has crafted a solution to this ongoing environmental threat, including the federal government, the state of Florida and Broward County. The Board supports removing the tires from the ocean and recycling them into products with a constructive use and encourages Congress to fund the appropriate projects.

The Board supports the development of science-based criteria that protect the waters of the state and local communities. The Board, however, opposes the establishment of numeric nutrient criteria by the U.S. Environmental Protection Agency that are not fundamentally based upon sound science.

## **WATERS OF THE UNITED STATES**

Congress passed amendments to the federal Water Pollution Control Act, known as the Clean Water Act (CWA or Act), in 1972. The Act's primary objective was to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The CWA defined "navigable waters" as "waters of the United States, including the territorial seas." In using such a broad definition, Congress clearly intended for the Act to protect a wide spectrum of the nation's waters that could be used in or affect interstate commerce.

The U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps), the two federal agencies responsible for implementation of the CWA, adopted regulations which defined the term "waters of the United States" to include: traditional interstate navigable waters; interstate wetlands; other waters such as "intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds by which the use, degradation or destruction of could affect interstate or foreign commerce; impoundments of waters; tributaries of the above waters; territorial seas; and wetlands adjacent to such waters or their tributaries.

Since the CWA's passage the U.S. Supreme Court has reviewed the extent of federal jurisdiction under the Act three times. The Court's most recent decisions in *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers*, and *Rapanos v. United States*, have, arguably, limited the Corps' expansive exercise of jurisdiction pursuant to the CWA, specifically in reference to certain isolated, intrastate waters and wetlands that are not navigable-in-fact.

As the result of these court decisions, federal legislation has been filed to reaffirm the original intent of Congress in enacting the CWA, clearly define "waters of the United States" subject to CWA jurisdiction, and protect such waters to the fullest extent of federal legislative powers. Bills filed in the 110th and 111th Congresses would have replaced the present CWA phrase "navigable waters" with "waters of the United States" and adopt a definition which is similar to those adopted by the Corps and EPA. In addition, the bills would have included "activities affecting" such waters, and statutory jurisdiction to the fullest extent of the legislative power of Congress under the U.S. Constitution. This extension of congressional legislative power would have expanded upon the well-recognized constitutional authority for the CWA under the legislature's power to regulate interstate commerce.

The Board has a long-standing commitment to strong environmental and water quality policies, including support for the Clean Water Act, and has consistently opposed regulatory or legislative action that would weaken water quality standards and undermine regulatory programs under the CWA. The Board supports legislation that:

- Clarifies the basis and scope of CWA jurisdiction, including a more descriptive definition of the jurisdictional waters included within the term.
- Maintains Congress' policy and CWA provisions that recognize, preserve, and protect the primary responsibilities and rights of states to prevent, reduce, and eliminate pollution and to plan for the development and use (including restoration, preservation, and enhancement) of land and water resources.
- Establishes specific standards that protect wetlands having significant ecological functions or hydrological connections to navigable waters.

- Clarifies that CWA jurisdiction does not include isolated, intrastate, non-navigable waters such as isolated ponds, ditches, and other channels containing intermittent or ephemeral water flows occurring during less than three months of the year as “navigable waters” or “waters of the United States.”
- Relies upon CWA jurisdiction under Congress’ commerce power to accomplish the objectives of the CWA and does not add the phrase “activities affecting such waters” to the definition of “navigable waters” or “waters of the United States.”

# NOTES

For further information about Broward County's Legislative  
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