



2011

Legislative Priorities Program



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■ Letter From the President

December 17, 2010

State Leaders,

It is with great honor that I present to you the Florida Association of Counties' (FAC) 2011 Legislative Priorities Program. Florida's county officials have come together and worked tirelessly to develop a unified legislative agenda that benefits all counties. The FAC Legislative Priorities Program outlines statewide issues important to our shared constituency.

The program includes a description of FAC's legislative priorities for the 2011 Session. These priorities underscore our commitment to protecting local government authority and provide focus for the Association in responding to legislative issues.

Florida's county commissioners, staff and the Florida Association of Counties look forward to working with you during session. Should you have any questions about particular issues or if we can be of assistance, please contact Chris Holley, FAC Executive Director or John Wayne Smith, FAC Legislative Director at (850) 922-4300.

Best wishes for a productive and successful session!



Sincerely,

A handwritten signature in black ink that reads "Ilene Lieberman". The signature is written in a cursive, flowing style.

Commissioner Ilene Lieberman
Broward County Commission
FAC President

■ Florida Association of Counties

Mission

The Florida Association of Counties helps counties effectively serve and represent Floridians by strengthening and preserving county home rule through advocacy, education and collaboration.

About FAC

The Florida Association of Counties (FAC) represents the diverse interests of Florida's counties, emphasizing the importance of protecting home rule – the concept that communities and their local leaders should make the decisions that impact their community.

FAC is the only association representing Florida's counties – bringing together the collective experience and knowledge of county commissioners and the thousands of county professional staff that support them. FAC provides the cohesive platform that enables county officials and staff to speak with a unified voice on behalf of all Floridians. Through FAC, counties are better able to serve not only their communities, but the entire state of Florida.

Throughout the state, Florida's counties perform vital public services such as public safety, fire and emergency medical services, parks, libraries, healthcare, growth management, environmental protection and economic development.

Advocating to Preserve Home Rule

The Florida Association of Counties is called upon to represent counties year-round on a range of issues including finance and tax, health care, juvenile justice, transportation and environmental impacts before the Florida Legislature, the Governor and Cabinet, various state agencies and the courts. The guiding principles that underlie FAC's efforts are to preserve county home rule authority, to provide a voice for the development and implementation of statewide policies, and to protect local citizenry from the financial burden of unfunded mandates.

Elected county commissioners guide the creation of FAC's legislative platform which is committed to sound public policy that makes Florida a better place to live and work.

■ 2010-2011 Executive Committee



President
Commissioner Ilene Lieberman
Broward County



President-Elect
Commissioner Doug Smith
Martin County



1st Vice President
Commissioner Bill Williams
Gulf County



2nd Vice President
Commissioner Bryan Desloge
Leon County



Immediate Past President
Commissioner Rodney Long
Alachua County



■ FAC Team At Your Service



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Growth Management, Transportation & Emergency Management



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- **Affordable Housing**
- **Building Codes**
- **DRI's (Developments of Regional Impact)**
- **Emergency Management**
- **Growth Management**
- **MPO's (Metropolitan Planning Organizations)**
- **Regional Planning Councils**
- **School Concurrency**
- **Transportation**

Florida's Growth Management Framework

Background:

FAC recognizes the critical role growth management plays in the state of Florida and the importance of having a community growth plan. However, every community is designed to be unique and therefore local governments should retain control over their comprehensive planning to develop the unique community their citizens demand.

FAC Position:

FAC **SUPPORTS** the purpose and intent of the Local Government Comprehensive Planning Act, which is to strengthen the existing roles and home rule powers of local governments to implement comprehensive planning programs that guide future development and encourage the most appropriate use of land and natural resources.

State's Role in Growth Management

Background:

FAC would like to see a growth management program that fosters a partnership between state and local governments, empowering home rule while encouraging cooperation on a regional and state level and providing the funding needed to develop solid growth management plans.

FAC Position:

FAC **SUPPORTS** a state role in growth management that will:

- Recognize the fundamental principle of county home rule power, which enables counties to develop local solutions to local problems;
- Foster partnerships with counties to ensure local planning goals are realized;
- Provide an appropriate vision and strategy for how the state should grow;
- Provide funding for key infrastructure systems; and
- Provide appropriate oversight in land use matters to minimize extra-jurisdictional conflicts.

Role of the Department of Community Affairs

Background:

While local control is critical in growth management, having a state agency to assist smaller counties that do not have planners in place is critical for our state. In addition, someone that has the whole picture in mind when looking at local issues can make sure that local, regional and state growth plans work together.

FAC Position:

Recognizing the state's need for comprehensive planning and strategic growth management, FAC **SUPPORTS** the Department of Community Affairs (DCA) as the State Land Planning Agency and, in the interest of all citizens, **SUPPORTS** having the agency maintain this responsibility. To ensure DCA can effectively carry out its responsibilities, serve as a technical resource for local governments, and implement a growth management vision for the state, FAC **SUPPORTS** state funding to the agency at a level that ensures it can meet these responsibilities. **SUPPORT** DCA's working effectively with counties to make the comprehensive review process more efficient.

Regional Delegation

Background:

Notwithstanding FAC's support and interest in ensuring there remains strong state oversight in growth management issues, should the legislature elect to modify or eliminate this structure, FAC would support some form of growth management delegation to the regional planning councils. Such delegation could take different forms, but the concept would ensure that local governments continue to meet minimum planning requirements under Chapter 163, F.S., while regional reviews could be limited to issues of "regional significance."

FAC Position:

Should the Legislature elect to eliminate the State's current regulatory role over growth management, FAC **SUPPORTS** delegating this authority to the Regional Planning Councils (RPCs) but limiting the RPC's review to issues of regional significance, while strengthening intergovernmental coordination to reduce interjurisdictional impacts among member local governments.

■ Finance & Taxation



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- **Ad Valorem Taxes**
- **County Budget Process and Procedures**
- **Fiscally Constrained County Funding**
- **Home Rule Revenues**
- **Local Option / Sales Taxes**
- **Revenue and Expenditure Caps**
- **Unfunded Mandates**

Revenue & Expenditure Caps (TABOR)

Background:

TABOR is a failed experiment in Colorado and, should it pass in Florida, it would hinder economic recovery and further reduce critical services that counties provide. TABOR places an inflexible and rigid formula on budgets designed to provide services, yet does not account for unplanned expenses or items such as health care or gas that sometimes increase at a greater rate than the TABOR formula allows.

FAC Position:

OPPOSE legislative or constitutional restrictions on county authority to determine local tax burden or local financial commitments to services and quality of life.

Public Safety and Administration



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- Article V
- Corrections
- Criminal Justice
- Elections
- Enterprise Florida
- Ethics / Gift Disclosure
- Florida Retirement System (FRS)
- Insurance
- Judicial
- Juvenile Detention Cost Share
- Workers' Compensation

Florida Retirement System

Background:

Florida's counties are statutorily required to participate in the Florida Retirement System (FRS). The FRS is currently fully funded through employer contributions. There have been many benefit changes since counties joined the FRS in 1971 that have resulted in higher payroll costs and increased costs to taxpayers. Currently county employees make up 23% of the entire FRS system.

FAC Position:

OPPOSE any FRS benefit changes that result in an increase in the FRS contribution rates. **SUPPORT** requiring all legislation that potentially results in an increase in the FRS contribution rate to be analyzed and evaluated to determine the direct fiscal impact of proposed changes to all local and state government to be eligible for consideration. **SUPPORT** some level of grandfathering to existing employees. **SUPPORT** the establishment of a study commission to review the economic and practical impacts of possible changes to the FRS that would maintain competitive benefits for employees and create a more cost-effective system for employers.

Pretrial Release

Background:

Pretrial release is an alternative to incarceration that allows arrested individuals to be released from jail with supervision while they wait for disposition of their case. Both the U.S. and Florida's Constitution favor pretrial release on reasonable conditions and favor non-monetary bail for nearly all individuals accused of a crime. FAC opposes legislation that limits local pretrial agencies' ability to effectively supervise pretrial defendants using locally accepted conditions of release.

FAC Position:

SUPPORT maintaining county ability to provide non-monetary pre-trial release services that ensure the safety and welfare of local communities. **OPPOSE** legislation limiting the discretion of the first appearance judge, requiring written reports and certification of defendants for release and eliminating the presumption of release on non-monetary conditions. **SUPPORT** changing pretrial program reporting requirements as provided in s. 907.043, F.S., from weekly to monthly updates. **SUPPORT** legislation that allows counties to impose pre-trial release fees based on an individual's ability to pay.

■ Health & Human Services



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- Behavioral Health Care
- County Health Departments
- Elder Care
- Emergency Medical Services
- Health Care / Health Insurance
- Human Services
- KidCare Program
- Social Services
- Substance Abuse
- Transportation Disadvantaged

Medicaid Reform

Background:

The Medicaid program is recognized nationally as a partnership between the federal and state governments to provide medical assistance to individuals and families with low incomes and resources. Unlike many states, Florida has required counties to contribute financially to the Medicaid program, subsidizing the state's share. This policy leaves counties vulnerable each year to potential cost shifts when there is a state budget deficit or the state experiences significant cost increases. Medicaid reform efforts should recognize the unique role that counties play both as payers and as providers in the Medicaid program. In order for reform activities to be successful, counties must be integrally involved as partners in the development of those reforms to ensure that they effectively meet the needs of county citizens.

FAC Position:

SUPPORT legislation that fully maintains and preserves critical mandatory and optional Medicaid services such as the Medically Needy program without imposing additional costs on local governments. **SUPPORT** Medicaid reform that considers the uniqueness of each of Florida's counties. **SUPPORT** efforts to ensure that county health departments are able to provide primary care and other health care services within the Medicaid program. **SUPPORT** effective external choice counseling and case management that ensures Medicaid recipients receive the level and intensity of services that meets their needs and promotes wellness. **SUPPORT** external quality assurance monitoring and measures that hold managed care plans and provider service networks accountable for appropriate care. **SUPPORT** carving out Transportation Disadvantaged services so that they can continue to provide comprehensive, coordinated service. **FAVOR** efforts to implement a Medicaid Medical Home emphasis within Medicaid reform efforts that seeks to improve patient care through a patient centered, family centered, coordinated approach.

■ Environment, Agriculture & Utilities



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- **Beaches and Coastal Management**
- **Energy**
- **Environmental Delegation and Permitting**
- **Everglades Restoration**
- **Land Acquisition and Management**
- **Solid Waste and Recycling**
- **Stormwater and Wastewater Utilities**
- **Water Quality and Supply**
- **Wetlands**

Conservation and protection of our natural resources are critical to managing growth, promoting economic development, and maintaining a healthy environment to ensure a high quality of life for Florida's citizens and businesses.

Many of Florida's counties have made energy efficiency and conservation a priority. Counties continue to lead by example when it comes to energy, by working collaboratively with stakeholders in the community to create innovative energy programs and encourage conservation.

Additionally, increased demand on Florida's water supply requires careful planning for the future of water supply in Florida. The primary goal of water resource planning efforts should be ensuring resource availability for all reasonable beneficial uses, consistent with the protection of water and related natural resources. Decisions regarding water resources should be kept as local in nature as possible.

Water Quality - Numeric Nutrient Criteria:

Background:

Federal and state water quality regulations require county government to expend billions of dollars to improve water quality. Therefore, state environmental regulations should not hamper the ability of counties to realize water quality improvements that are required by federal or state law. Additionally, state and federal requirements must be technically and economically feasible and recognize the resource limitations of Florida's local governments and taxpayers.

FAC Position: SUPPORT science-based numeric nutrient criteria for Florida's waters. FAC encourages the United States Environmental Protection Agency (EPA) and DEP to ensure that any rulemaking to promulgate new nutrient criteria:

- is based upon or correlated with cause and effect relationships between nutrients and biological impairment;
- is economically and technically feasible;
- achieves environmental benefits;
- takes into account existing state water quality and water supply programs; and
- includes meaningful stakeholder participation.

FAC encourages EPA to conduct a thorough independent scientific and economic peer review of its proposed numeric nutrient criteria and to modify its rulemaking in accordance with the outcome of the analysis.



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