

2008 Legislative Program



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Commissioner
Teresa Jacobs
Orange County
FAC President

President's Message

Dear Members,

It is with great honor that I present to you the Florida Association of Counties' (FAC) 2008 Legislative 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 2008 Session and the Association's Guiding Principles. These principles underscore our commitment to protecting local government authority and provide the framework for the Association in responding to legislative issues that will be considered during the upcoming legislative session.

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.

Best wishes for a productive and successful session!

Commissioner Teresa Jacobs, Orange County
FAC President

2007-2008 Executive Committee



President-elect
Commissioner Randy Hatch
Suwannee County



1st Vice President
Commissioner Rodney Long
Alachua County

President
Commissioner Teresa Jacobs
Orange County



Mission

“The mission of the Florida Association of Counties (FAC) is to preserve and promote democratic principles by working to keep appropriate authority at the level of government closest to the people, and to increase the capacity of Florida counties to effectively serve and represent the citizens of the state through legislative action, education of public officials, and enhancement of public awareness about the role and function of county government.”

About FAC

For more than 75 years, the Florida Association of Counties (FAC) has advocated on behalf of the diverse interests of Florida’s counties. The Association is driven by its mission to preserve and promote democratic principles by keeping appropriate authority at the level of government closest to the people.

Today, the 67 counties of Florida constitute a dynamic state that is home to more than 17 million people. With Florida’s tremendous growth, counties’ governments function has become increasingly more vital and complex to Florida’s success. Throughout the state, Florida’s counties perform vital public service functions such as public safety, fire, emergency medical services, public record-keeping, jails, parks, libraries, health care, comprehensive planning, economic development, and roads, just to name a few.



2nd Vice President
Commissioner Ilene Lieberman
Broward County



Immediate Past President
Commissioner Susan Latvala
Pinellas County



Policy Development and Advocacy

FAC represents counties on a range of important issues before the state legislature, the governor, the cabinet, various state agencies and commissions, and the courts. FAC's guiding principles seek to preserve county home rule authority, to develop and implement statewide policies that improve public services, and to protect citizens from the financial burden of unfunded mandates.

Determining the consensus position of Florida's 67 counties is paramount to FAC's annual policy development effort. The process is designed to prioritize issues critical to counties in a diverse state through four standing legislative policy committees and two caucuses representing urban and rural communities, respectively.

Throughout FAC's history, it has advocated for sound public policy that makes Florida a better place to live and work.

A Voice for Every Citizen

As the only association representing every county in Florida, FAC brings together the collective experience and knowledge of 67 counties, represented by almost 400 county commissioners and supported by thousands of county professional staff. Through FAC, counties are better able to serve not only their communities, but the entire state of Florida. FAC provides the cohesive platform that enables county officials and staff to speak with a unified voice on behalf of all citizens about matters of statewide importance.

Counties Lead the Way

FAC recognizes that as Florida grows and changes, county commissioners must be aware and informed about how those changes will impact their communities. For nearly two decades, the FAC has offered outstanding education programs designed to help county commissioners be great leaders in their communities.



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Emergency Management, Growth Management & Transportation

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



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Finance & Taxation



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Property Tax Reform and Relief

Florida's property tax structure should be fair and equitable to all taxpayers as well as at all levels of government. The Florida Association of Counties (FAC) believes that the impacts from top-down property tax relief measures, plus the January 29, 2008 proposed amendment and potential future legislative actions will significantly limit local control and the ability of local governments to provide critical, necessary and quality of life services.

In 2007 as a result of HB1B, local governments reduced property tax revenues by \$2.3 billion this fiscal year. Counties contributed \$1.53 billion or 66.5% of the first year tax relief. Beginning in 2008 and thereafter, counties and other local governments will operate under even more dramatic fiscal constraints.

Additionally, counties will be required to utilize higher approval standards when additional property tax revenue is needed in excess of the new rollback criteria.

On January 29, 2008, the electors of Florida will decide on several of the major changes proposed by the Legislature. The proposed constitutional revisions include: doubling the homestead exemption; allowing for the portability of the Save Our Homes assessment differential; providing an exemption of \$25,000 for tangible personal property and providing an assessment cap of 10% for non-homestead property. If adopted, counties will potentially be budgeting for additional reductions or adjustments making it difficult to implement current or future projects.

FAC has adopted the following position statements regarding existing, proposed and potential changes to Florida's property tax structure:

- FAC is **CONCERNED** that statutory changes made in 2007 instituted a fundamental shift in Florida's taxing structure, and the long-term impacts are yet undetermined.
- FAC is **CONCERNED** that those changes, along with the potential adoption of the 2008 constitutional amendment, leaves the long term stability of Florida's primary taxing structure uncertain.
- FAC is **CONCERNED** that unintended consequences are inevitable when any changes are made to a complex and critical piece of Florida's financial infrastructure.
- FAC **SUPPORTS** future legislation that preserves the financial capacity of fiscally constrained counties in a manner that does not replace or reduce existing programs and revenues for small rural counties and that does not divert funds from other counties or from cities.
- FAC **SUPPORTS** future legislation that provides alternative funding as a method to provide tax relief, preferably funding that reduces property taxes generated from the state controlled required local effort (RLE) for K-12 education.
- FAC **OPPOSES** any future legislation or constitutional changes that would further limit the authority of counties to raise revenue or lower revenue.
- FAC **OPPOSES** any preemption of the ability of counties to implement changes within their communities.

If the constitutional amendment is approved, the property tax reforms of 2007 and the then-approved constitutional changes should be studied and evaluated. Any additional legislative or constitutional changes should not be placed on the backs of local governments and the services they provide to Florida's citizens.



Finance & Taxation



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Ad Valorem Taxes	Intangibles Tax
Appropriations (generally)	Interim Service Fees
Auditing	Local Option Sales Tax
Cell Tower Siting	Mandates
Communication Services Tax	Partial-Year Ad Valorem Assessments
Consolidated Financial Statements	PILT (Payment in Lieu of Taxes)
County Budgets	Public Service Tax
County Revenue-Sharing	Sales Tax
Electronic Commerce	Save Our Homes
Finance	Save Our Seniors
Financial Reporting Billing	Small County Kicker
Financial Statements	Special Assessments
Fiscal Impact Analysis	State Administrative Charges Taxes
Franchise Fees	Telecommunications
Gas Taxes	Tourist Development Taxes
General Appropriations Act	TRIM (Truth in Millage)
Half-cent Sales Tax	Trust Funds
Homestead Exemption	Utility Taxes
Impact Fees	

Unfunded Mandates

The Florida Association of Counties **SUPPORTS** an amendment to Florida's constitution that provides meaningful enhancements to the existing unfunded mandates provision including, but not limited to:

- eliminates exemptions from unfunded mandate scrutiny;
- provides greater public notice, legislative scrutiny and fiscal information;
- enhances accountability and transparency;
- preserves self-determination and local fiscal stewardship;
- provides a process to resolve conflicts and disputes; and
- requires legislative support through the development of implementing legislation.

Article VII, Section 18, of the Florida Constitution establishes Florida's current unfunded mandates provision. It is intended to protect counties and municipalities from state mandates that require the expenditure of funds without providing sufficient state resources to do so, or reduces the authority of counties and municipalities to raise revenues. Florida's current unfunded mandate provision is outdated and contains several inadequacies that adversely impact counties' and municipalities' ability to adequately fund and provide the state mandated services.

The current unfunded mandate provision allows the Legislature, by two-thirds vote of each house, to enact unfunded mandates into law without any prior public notice or fiscal analysis of such law. In addition, the current provision includes exclusions including, but not limited to, all criminal and election laws, general and special appropriations acts, as well as laws deemed to have an "insignificant fiscal impact."

FAC's proposed amendment will provide a clear definition of what constitutes an unfunded mandate. It will ensure that any proposed unfunded mandates law will include only a single subject matter and must be enacted by three-fourths vote of each house of the Legislature, only after a public hearing for which fiscal analysis is available, and will be held after public notice that unfunded mandates will be considered. The amendment will provide for the creation of an intergovernmental council to resolve disputes regarding whether a law or rule is an unfunded mandate, and will provide that no county or municipality be bound by any law determined to be so.



Environment, Agriculture & Utilities



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- Administrative Procedures Act (Chapter 120)
- Agriculture
- Air Pollution
- Aquatic Plants
- Asbestos Abatement & Removal
- Biomedical Waste
- Brownfields
- Charter Counties
- Coastal Management
- Conflict Cases
- Delegation–Environmental
- Desalination
- Ecosystem Management
- Eminent Domain
- Everglades Restoration
- Ex Parte Communications
- Florida Communities Trust (P2000 Bond Series)
- Florida Forever
- Flow Control
- GIS/GPS
- Hazardous Waste
- Land Acquisition & Management
- Landfills
- Manatees
- Mosquito Control
- NPDES (Stormwater & Wastewater)
- Permitting–Environmental
- Pesticides
- Private Property Rights
- Public Records
- Public Service Commission
- Radon
- Recycling
- Septic Tanks
- Solid Waste
- Sovereign Immunity
- Stormwater
- Sunshine Law
- SWIM (Surface Water Improvement & Management Funding)
- Total Maximum Daily Load (TMDL)
- Underground Storage Tanks
- Utilities
- Wastewater
- Water Management Districts
- Water Quality
- Water Supply
- Wellhead Protection
- Wetlands

Mining

- **OPPOSE** legislation that reduces or eliminates the county government role in siting mines for the production of construction aggregate or other minerals.
- **OPPOSE** legislation that would prevent the ability of counties to regulate local concerns relating to the operation of mines including, but not limited to, hours of operation, noise, traffic, and dust.
- **SUPPORT** legislation that addresses Florida’s failing port and rail infrastructure in a meaningful way, so that construction aggregate can be economically imported.
- **SUPPORT** legislation that provides incentives for the increased use of recycled industrial materials in construction, to lessen the need for new mines.

A large percentage of the construction aggregate that Florida uses in building its roads comes from a region in Miami-Dade County known as the Lake Belt. A lawsuit by environmental groups challenged the issuance of certain Army Corps of Engineers permits. When it became apparent that some of these mines might be shut down at least temporarily as a result of this lawsuit, the Florida Department of Transportation (DOT) became concerned that it might be facing a shortage of materials for building roads. This problem is of particular concern to the DOT because Florida's current port and rail infrastructure cannot support the effective importation of aggregate. Instead, the DOT began pinpointing other aggregate resource areas in Florida.

Some in the mining industry have used this situation as a convenient opportunity to attempt to preempt the local government role in siting mines and regulating local concerns. Because the Lake Belt litigation does not involve local government, preemption will do nothing to resolve the ongoing conflicts in that region. Rather, the controversy seems to center around whether local governments should be able to implement a moratorium on mining in an environmentally sensitive area where studies might need to be conducted, or where local regulations might need to be strengthened prior to allowing mining.

Mining interests have also worked to restrict our ability to do this, even though the Bert Harris Act already provides sufficient protection to private property owners in the event that a local government inordinately burdens property. In order to properly address the concerns surrounding mining, it is imperative that mining be viewed not only as a transportation issue, but as an environmental and local government issue as well.



Public Safety & Administration



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911 Emergency Response
Americans with Disabilities Act
Animal Control
Article V
Base Realignment & Closure (BRAC)
Bid Preferences
Collective Bargaining
CCNA (Consultants Competitive Negotiation Act)
Cabinet Issues
Cemeteries
Clerks of Court
Code Enforcement
Community Corrections
Construction Contracting
Construction Retainage
Contractor Licensing
Corrections
County Commissioner Salaries
County Probation / Community Control
Court Reporters
Courts
Criminal Justice
Domestic Violence
Drug Control
Economic Development
Elections
Employment
Enterprise Florida
Ethics
Fines & Forfeitures
Florida Retirement System (FRS)
Gift Disclosure
Hearing Officers / Special Masters (Courts)
Historic Preservation
Insurance
Jail Standards
Journeyman
Judges
Judicial
Jurors & Witnesses
Juvenile Justice
Labor Relations
Leasing County Jail Beds
Libraries
Minimum Wage
Minority Business Enterprises
Pawn Shops
Payday Lenders
Port Security
Pre-trial Release
Presumption - Benefits
Prisoner Health Care
Public Defenders
Public Guardianship
Purchasing
Revision 7 Implementation
Risk Management
Seaports
Sentencing Guidelines
Service of Process
Sheriffs
State Attorneys
Supervisor of Elections
Title Loans
Traffic Cameras
Unemployment Compensation
Unlicensed Contractors
Whistleblowers
Workers' Compensation

Florida Public Safety Coordinating Commission

Florida Public Safety Coordinating Commission (FPSCC): In an effort to improve the overall efficiency and effectiveness of the civil and criminal justice system in Florida, the Florida Association of Counties (FAC) **SUPPORTS** the creation of the FPSCC within FAC to facilitate open communication between local governments and the state.

FAC believes the creation of the FPSCC will assist both local and state government in identifying “best practices” that promote cost efficiency while increasing security.

The FPSCC shall serve several purposes including providing the Legislature and the public a timely analysis of how proposed legislation that impacts the civil or criminal justice system in Florida will affect the existing system, specifically at the local level. In an attempt to promote an honest apolitical line of open communication, every Commissioner will be eligible to provide direct comments to be included in the overall analysis of any proposed legislation under review of the Commission. The FPSCC shall collect and analyze public safety data, including county jail statistics on a monthly basis.

The membership of the FPSCC shall include fifteen appointees who represent similar stakeholders as those who serve on the county PSCCs. The designated statewide associations or organizations shall appoint a representative who has previously served on a PSCC to serve on the Commission for a term of two years.

An annual FPSCC conference will be held following the conclusion of session and the members of PSCCs from around the state and designated stakeholder associations will be invited to attend. At the conference, participants will receive yearly statistical analysis on criminal justice trends, training on “best practices” determined by the FPSCC throughout the year, and a briefing on the impacts of new legislation signed into law and how to implement such changes.



Health & Human Services



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After-School Programs
Aging
AIDS/HIV Programs
Assisted Living Facilities (ALF)
Behavioral Health Care
Child Abuse Exams
Child Abuse/Child Welfare
Child Support Enforcement
Children's Services
Communicable Diseases
Community Health Centers
County Health Departments
CSB/PMG (Community Services Block Grants)
Day Care Centers
Disproportionate Share Program (DSH)
Drug Rehabilitation / Treatment
Elderly
Emergency Medical Services
Environmental Health Fees
Health Care
Health Insurance
Homeless Programs
Hospital Liens
Hospitals
Human Services
Indigent Health Care
Kidcare Program
Long Term Care
Managed Healthcare
Medicaid Transportation
Medically Needy Program
Mental Health
Nursing Homes
Perinatal Care
Public Health
Social Services
Substance Abuse
Transportation Disadvantaged
Low Income Pool (LIP)
Veteran's Services
Welfare Reform
Workforce Development

Medicaid Reform Expansion

- **OPPOSE** expansion of Medicaid reform pilot projects in light of unfavorable findings reported in independent analyses and the Agency for Health Care Administration's Inspector General's report.
- **OPPOSE** expansion of Medicaid reform pilot projects to additional counties until the issues identified in these studies have been satisfactorily resolved.

The Medicaid program is nationally recognized 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 has required counties to contribute financially to the Medicaid program, subsidizing the state's share. This current policy leaves counties vulnerable each year to potential cost shifts when there is a state budget deficit or shortfall.

Reforms to the state's Medicaid program should recognize the unique role that counties play both as payers and as providers. In order for Medicaid reform activities to be successful, counties must be integrally involved as partners in the development of reforms to ensure that they effectively meet the needs of county citizens.

The pilot projects currently underway in Broward, Duval, Baker, Clay and Nassau counties were established to test the state's plan to control the ever increasing costs of providing care for Medicaid recipients. However, according to The Agency for Health Care Administration's Inspector General's report, there are still a number of significant problems in the pilot areas that need to be resolved. Given the vulnerability of this population, the potentially negative impact reform expansion could have on the financial viability of County Health Departments, and the lack of demonstrated cost savings thus far, the Florida Association of Counties opposes any expansion of the pilot projects to additional counties.



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Finance, Transportation & Administration Committee Final Policy Statements

Finance Section

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Communication Services Tax: **SUPPORT** allowing non-charter counties the same rate authority as municipalities and charter counties.

Community Redevelopment Agencies: **SUPPORT** enhanced public accountability of Community Redevelopment Agencies.

Fiscally Constrained Counties: **SUPPORT** maintaining the program by funding it from state general revenue and restoring the diverted telecommunications revenue to the affected counties.

Home Rule Impact Fee Authority: **OPPOSE** efforts to diminish or eliminate county home rule authority to impose impact fees.

Local Option Sales Taxes: **SUPPORT** allowing small counties to levy both the Small County Surtax and the Local Government Infrastructure Surtax up to a combined rate of two percent.

Mobile Home Reform: **SUPPORT** treating all mobile homes permanently attached to land as real property for ad valorem tax purposes.

Payment in Lieu of Taxes (PILT): **SUPPORT** fully funding PILT to counties impacted by state and water management district land purchases, basing payments on the acquisition price of the property, and legislation removing the ten-year sunset provision.

Public Services Tax: **SUPPORT** providing non-charter counties with the same authority to levy a public service tax provided to municipalities and charter counties.

Reduce / Eliminate Mandates: **SUPPORT** a state-funded phase out for small counties at or above eight mills of the county contribution to Medicaid Nursing Home and Medicaid Hospital Inpatient Services that would not shift costs to other counties.

Right-of-Way Charge: **SUPPORT** providing statutory authorization for counties to impose a charge for use of the right-of-way upon non-telecommunication users of the right-of-way.

State Shared Revenues: **OPPOSE** any further reduction, redistribution, diversion or cap in growth of state revenues shared with counties.

Financing with Property Tax Revenues: In the event that the Florida Supreme Court rules in *Strand v. Escambia County* that financing pursuant to either the community redevelopment act or home rule power or both require a referendum, **SUPPORT** a constitutional amendment that will allow such financings to be accomplished by ordinance.

PROPERTY TAXES

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allowing for the portability of the Save Our Homes assessment differential; providing an exemption of \$25,000 for tangible personal property and providing an assessment cap of 10% for non-homestead property. If adopted, counties will potentially be budgeting for additional reductions or adjustments making it difficult to implement current or future projects.

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- FAC **SUPPORTS** future legislation that provides alternative funding as a method to provide tax relief, preferably funding that reduces property taxes generated from the state controlled required local effort (RLE) for K-12 education.

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- FAC **OPPOSES** any preemption of the ability of counties to implement changes within their communities.

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UNFUNDED MANDATES

SUPPORT an amendment to Florida's constitution that provides meaningful enhancements to the existing unfunded mandates provision including, but not limited to:

- eliminates exemptions from unfunded mandate scrutiny;
- provides greater public notice, legislative scrutiny and fiscal information;
- enhances accountability and transparency;
- preserves self-determination and local fiscal stewardship;
- provides a process to resolve conflicts and disputes; and
- requires legislative support through the development of implementing legislation.

LEGISLATIVE PRIORITY

State Tax Reform / Cost Shifts:

SUPPORT expanding the state's revenue base by repealing state exemptions to enhance taxpayer equity. **SUPPORT** responsible state action to address budget shortfalls and impacts due to new constitutional requirements. Responsible state action does not include reducing funding for local services or shifting more responsibility to provide services at the local level. **OPPOSE** state efforts to rely on local property taxes to fund state programs. Efforts to solve revenue shortfalls or meet new funding requirements at the state level should not result in increased spending or taxing pressure at the local level.

Streamlined Sales Tax: SUPPORT

revising Florida's sales tax to conform with the Streamlined Sales Tax Project to allow Florida to require remote vendors to collect and remit Florida's state and local option sales tax.

Tourist Development Tax: SUPPORT

legislation ensuring equitable tax treatment for internet resellers.

Conservation Use Property Tax

Assessment Classification: SUPPORT legislation authorizing counties to classify agricultural land taken out of agricultural use or production as conservation land for the purpose of providing a local option agricultural classification when determining taxable value.

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Transportation Section

Local Option Fuel Tax Service Charge:

SUPPORT current law which funds the County Incentive Grant Program and Small County Outreach Program (SCOP) from revenues generated from the seven percent service charge on local option fuel taxes.

Local Option Gas Taxes: **SUPPORT** legislation giving counties the authority to index their local option gas taxes to annual changes in the consumer price index. **OPPOSE** any statutory changes that affect or otherwise reduce a county's ability to implement all or a portion of the 1-12 cent local option fuel taxes.

Local Option Rental Car Surcharge: **SUPPORT** legislation giving counties the authority to implement a local option rental car surcharge for transportation related improvements.

Rural Transportation Funding: **SUPPORT** state funding for the Small County Road Assistance Program (SCRAP). **SUPPORT** continuing enhanced state funding for SCOP, as provided by SB 360.

Strategic Intermodal System (SIS): **OPPOSE** redirecting any state program funds to the SIS that currently benefits county transportation needs.

Florida Department of Transportation (FDOT) Work Program Deferrals: **SUPPORT** legislation that improves how FDOT notifies counties of project deferrals to its Five Year Work Program. **SUPPORT** statutory changes allowing counties to provide written comments to FDOT describing how a deferred project will impact their concurrency management systems and, similarly,

requiring FDOT to incorporate such comments in its work program amendment request to the Governor.

Metropolitan Planning Organizations (MPOs):

SUPPORT existing statutory provisions that permit MPOs to coordinate transportation plans and projects with other MPOs.

State Transportation Funding Policy:

Recognizing that the rising costs of construction and right-of-way have reduced transportation capacity improvements across the state, while the FDOT has begun to re-direct capacity funds away from urban arterial roads to the SIS, **SUPPORT** legislation that:

- Ensures the state's Other Arterial Capacity Program is not impacted by FDOT's SIS funding policies;
- Establishes a statutory funding cap preventing FDOT from allocating more than 65% of any "new discretionary highway capacity funds" to the SIS;
- Targets additional discretionary general revenue funds for the purpose of restoring transportation projects that have been delayed or eliminated as a result of increased project costs;
- Allows state funds to be used for improvement to county or local service, collector and distributor roads that provide alternative access to other controlled access state facilities.

Additionally, **OPPOSE** any efforts to remove the current FDOT district-level distribution of the State Comprehensive Enhanced Transportation Systems tax.

State Transportation Trust Fund: OPPOSE
any effort to divert revenues from the state transportation trust fund for non-transportation purposes.

Transportation Revenue Study Commission:
SUPPORT the creation of a State Transportation Revenue Study Commission. Such a commission should include elected county officials to examine the condition and future needs of our state's transportation system and alternative funding sources to support that system.

Small County Millage Requirements: SUPPORT
repealing the minimum millage requirements in the small county road assistance program and the permit fee waiver provision and **SUPPORT** repealing the termination date of the small county road assistance program.

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Administration Section

Ballot Initiative: **SUPPORT** an amendment to the statutes to provide that any special district created by special act or general law be required to submit any ballot initiative to the governing body of the county, or its designee, before placement on the ballot to determine legal sufficiency of said question.

Delinquent Tangible Personal Property Taxes: **SUPPORT** legislation providing tax collectors with additional tools to collect delinquent tangible personal property taxes to improve the collection of delinquent personal property taxes owed to the county by:

- a) making the owner of the property liable for the taxes due;
- b) authorizing the Tax Collector to contract with outside entities to collect delinquent personal property taxes; and
- c) requiring delinquent taxpayers to pay the cost of collection rather than other taxpayers.

Elections Funding: **SUPPORT** full state funding of all expenditures made, and yet to be made, by supervisors of elections to comply with the requirements of the federal Help America Vote Act.

Eminent Domain: **SUPPORT** legislation that limits attorney's fees and costs associated with eminent domain cases. **SUPPORT** legislation that removes the requirement that county appraisals be based on best and highest use versus fair market value. **SUPPORT** legislation that reduces the costs of right of way acquisitions.

Florida Retirement System (FRS): **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.

Libraries: **SUPPORT** measures that ensure decisions and policies regarding county libraries are made at the local level. **OPPOSE** legislation that allows individuals to bring civil causes of action against counties relating to internet filtering devices and/or policies. **SUPPORT** full funding of State Aid to Libraries based on the current statutory formula that provides counties 25 cents for every local dollar spent. As an interim step in accomplishing full funding, **SUPPORT** a \$10 million increase in state aid to public libraries. **SUPPORT** full funding of Public Library Construction grant.

Medical Examiner Offices: **SUPPORT** the ability of county run medical examiner offices to collect reasonable fees for services provided as outlined in Chapter 406, F.S.

Procurement: **SUPPORT** the non-publishing of detailed bid estimates by creating an exemption for county and municipality projects in statute. **SUPPORT** giving state and local entities the discretion to consider cost in the award of professional services agreements governed under s. 287.055, F.S., as an alternative, optional selection process.

Small County Technical Assistance (SCTAS)

Program: **SUPPORT** increasing state funding for the SCTAS program.

Uniform Chart of Accounts: **SUPPORT** the Department of Financial Services efforts to revise the Uniform Chart of Accounts system to enable counties to easily submit detailed revenue information electronically, to expand and specify the subcategories for reporting expenditures and receipts for the purposes of promoting consistent reporting among local governments and adding more transparency in government.

911 Fees: **SUPPORT** increased administrative enforcement of the Wireless 911 fee, including provisions for audit and reporting penalties. **OPPOSE** any diversions of 911 fees to non-E-911 related purposes. **SUPPORT** expanding the use of the fee to provide for call takers and eliminating the 25-line limit.

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*Growth, Environmental Planning & Agriculture Committee
Final Policy Statements*

Growth Management Section

STATE GROWTH MANAGEMENT VISION

To adequately prepare for the future growth and sustainability of our state, **SUPPORT** legislation requiring the State of Florida to develop a 20-year vision for the future of Florida, with implementing policies and strategies, that ensures our infrastructure needs can be met, our natural resources protected, and quality of life enhanced.

LEGISLATIVE PRIORITY

GENERAL PLANNING ISSUES

Growth Management: **OPPOSE** legislation that erodes county authority to regulate development pursuant to the Growth Management Act of 1985.

County Land Use Power: **SUPPORT** maintaining the power of a county charter provision to control land use and regulatory issues on a county-wide basis. **OPPOSE** efforts to diminish the authority of county charter provisions, county ordinances and other county regulations to control land use and growth management regulatory issues on a county-wide basis. **OPPOSE** revisions that lessen county oversight and participation in the annexation process, including weakening the power of charter provisions to control voluntary annexation methods.

Concurrency: Recognizing that growth and development place significant demands on county infrastructure facilities, **SUPPORT** the following:

- The state's infrastructure concurrency requirements on local governments as an essential tool for managing growth;

- A county's right to implement concurrency provisions that are more restrictive than state law;
- Appropriate changes to Ch. 163 allowing counties, as a local option, to provide transportation concurrency exemption for local school facilities;
- Current law that requires local governments to annually submit to the Department of Community Affairs (DCA) a summary of the number of transportation de minimis exceptions issued by those local governments.

Proportionate Fair-Share Mitigation: FAC believes that the use of Proportionate Fair-Share Mitigation for transportation impacts should be at the discretion of the local government, rather than a right of the developer. Furthermore, FAC recognizes that recent legislative changes to this process may preclude counties from actually charging a developer its proportionate share of any scheduled road improvement. Accordingly, FAC **SUPPORTS** the following:

- Clarifying the proportionate fair share methodology to ensure that development pays its proportionate share of impacts to all affected transportation facilities;
- Clarifying language in statute that requires local governments to apply a credit only to that portion of any transportation impact fee that would have been used to fund the same improvements on which a proportionate fair share contribution is calculated.

Additionally, FAC **OPPOSES**:

- Any legislative changes that mandate counties expand the use of proportionate share payments on road segments not included in the Five Year Capital Improvements Element;
- Any effort to modify the existing statutory formula for calculating proportionate share payments.

Developments of Regional Impact (DRI): **OPPOSE** any changes to the DRI statute that creates additional exemptions to the DRI review

process when such changes are not supported by data and analysis indicating there will be no substantial effect upon the health, safety, or welfare of citizens of more than one county. **SUPPORT** the original purpose and intent of the state's DRI legislation ("The Florida Environmental Land and Water Management Act of 1972"), which calls for the state's land and water management policies to be implemented by local governments through existing processes for guiding growth and development. To that end, **SUPPORT** legislation that streamlines the current DRI review process and reduces duplication between reviewing agencies. However, **OPPOSE** any changes that reduce the overall intergovernmental coordination and review processes provided in the DRI statute.

Intergovernmental Coordination: **SUPPORT** legislation that requires intergovernmental coordination when growth decisions of one jurisdiction impact another jurisdiction.

Public Participation: **SUPPORT** legislative efforts to increase public participation in the local planning process, provided those efforts do not create additional costs to counties.

State Infrastructure Project Consistency: **SUPPORT** legislation requiring that infrastructure projects and land-purchasing programs of the state be consistent with the local comprehensive plan.

INFRASTRUCTURE FUNDING

Fiscal Impact Analysis: **SUPPORT** use of a Fiscal Impact Analysis Model as an optional tool to provide local governments additional information for land use decisions and where meaningful results are produced regarding the costs of capital and operations associated with development and the revenues that development generates that can meet those operational and capital costs. **SUPPORT** state technical assistance in the use of the Fiscal Impact Analysis Model.

Growth Management and Infrastructure Funding: To ensure counties are able to meet the state's concurrency mandate, **SUPPORT** the following:

- Legislation that provides additional local revenue sources to fund public infrastructure needs;
- Legislation that provides counties greater flexibility in levying and using currently-authorized local revenue sources and enhancing their authority to pledge revenues for bonding;
- Restoring funding for the Rural Infrastructure Trust Fund to \$4 million dollars.

outright exemptions but allow different standards and measures to be used at the discretion of the local government;

- Expedited state/regional permit review for certain types of redevelopment projects;
- Decreased administrative oversight by the DCA;

While FAC **SUPPORTS** the designation of Urban Preference Areas by local option, should the legislature mandate these be designated for certain areas, the following conditions should apply:

URBAN GROWTH ISSUES

To help promote urban infill and discourage sprawl, **SUPPORT** limited changes to Ch. 163 that create incentives for counties to designate, by local option, "Urban Preference Areas". With respect to these areas, **SUPPORT** the following:

- That these areas be defined locally, rather than by statute; however, if prescribed by statute, the designation criteria should be both broad and flexible to reflect and accommodate diverse local conditions;
- That if additional planning requirements are required, they be limited and structured so they do not create either administrative barriers for the local government or regulatory barriers for the private sector;
- That a range of incentives be available to local governments who designate these areas. Such incentives should include, but not be limited to, the following:
 - Increased transportation funding, with a particular emphasis on multi-modal funding options for local governments who designate these areas;
 - Priority access to other state funding, including funding for urban stormwater management, brownfields remediation, affordable housing, and urban schools;
 - Alternative options for applying transportation concurrency in these areas, so long as those options do not grant

- Such areas should be defined locally. Alternatively, if the legislature prescribes how these areas are to be designated, **SUPPORT** a broad definition that encompasses such factors as population, current and proposed density and intensity levels, infrastructure availability, existing urban service boundaries of the local government, and natural geographic features;
- Provide counties the option of implementing any new planning requirements in phases, which would allow the designation of pilot corridors, in lieu of the larger-scale Urban Preference Area.

As an alternative to allowing the designation of Urban Preference Areas by local option, **SUPPORT** the creation of a pilot program that links additional planning mandates to increased funding for urban development / redevelopment purposes.

RURAL GROWTH ISSUES

FAC recognizes that rural areas play an important role in our state's economy, environment, agriculture, and cultural history. However, from a planning perspective, these areas have received much less attention than their urban and suburban counterparts. In view of this, FAC **SUPPORTS** the following:

- Limited changes to Ch. 163 that would require counties to adopt specific rural policies

addressing growth, agriculture protection, and rural lands protection;

- Limited changes to Ch. 163 requiring counties that propose to submit a Rural Lands Stewardship Area (RLSA) application to develop specific rural policies, optional sector plan, or similar rural strategy as a prerequisite for submitting the RLSA;
- Targeted technical assistance to small counties for specific comprehensive planning functions, including RLSA issues;
- Special consideration by the DCA in its review of small county comprehensive plans, plan amendments, and Evaluation and Appraisal Reports.

REGIONAL PLANNING ISSUES

Regional Agency Coordination: OPPOSE any regional boundary realignment without the consent of the affected member local governments. **SUPPORT** enhanced communication and coordination among the Regional Planning Councils (RPCs), the water management districts and the district offices of the FDOT.

Regional Planning Councils: SUPPORT changes to Ch. 163 to 1) allow RPCs to set a date which a proposed or adopted land use amendment must be submitted in order to be placed on a specific council agenda and 2) allow a one-time deferral (to the next RPC meeting) of a proposed or adopted land use amendment found inconsistent to address the inconsistency. **SUPPORT** strengthening the RPCs by 1) including RPCs in the definition of "Local Government" in growth management statutes and 2) removing provisions in Florida law that prohibit a finding of non-compliance related to a local government's comprehensive plan based solely on an inconsistency finding with the applicable Strategic Regional Policy Plans developed by the RPC.

SUPPORT legislative efforts that would establish standards for providing a regional visioning process to the Strategic Regional Policy Plans.

OTHER GROWTH MANAGEMENT ISSUES

Affordable Housing: SUPPORT retaining the full amount of dedicated documentary tax revenues towards state and local affordable housing programs. **OPPOSE** legislative efforts that restrict or otherwise limit county home rule authority to use linkage fees for affordable housing.

Building Codes: SUPPORT appropriate changes to s. 553.791, F.S., that ensure the health, safety, and welfare of the public are protected when building owners and school districts elect to use a private provider to perform plans review and/or building inspection services.

Mobile Home Parks: OPPOSE legislation that mandates counties make payments to mobile home owners that are displaced as a result of a property owner requesting and receiving approval to rezone his/her property to a different use.

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Environmental Planning Section

Beach Access by the Public: **SUPPORT** legislation which preserves public access to and along beaches and state water bodies and which preserves county regulatory power.

Beach Renourishment: **SUPPORT** continuation of a dedicated state funding source for beach renourishment at or above statutory levels. **SUPPORT** legislation that protects the sovereign immunity of counties with regard to beach mitigation liability where a county conducts beach renourishment according to federal and state regulatory requirements. **OPPOSE** additional permitting of geotextile containers outside of the emergency rigid coastal armoring context. **OPPOSE** legislation that would require the use of geotextile containers in any given beach renourishment scenario.

Billboards: **OPPOSE** dilution of county authority to regulate billboards. **OPPOSE** legislation that preempts local government's ability to establish and maintain local ordinances which regulate billboards.

Dangerous Captive Wildlife: **OPPOSE** legislation or rulemaking that purports to further preempt local government land use authority with regard to dangerous captive wildlife.

Delegation: **SUPPORT** legislation that allows for increased delegation to local governments where the resources exist to accept partial or complete delegation of environmental regulatory programs

from the state. **OPPOSE** legislation that would require local programs to seek delegation, since many local environmental programs seek only to fill in the gaps of state and federal regulatory programs.

Energy: **SUPPORT** legislation that provides incentives for local governments to assist in state energy policies such as green building and carbon emission reductions. **SUPPORT** legislation that would provide technical assistance funding for counties in implementing carbon emission reduction programs. **SUPPORT** legislation that would provide technical assistance funding for counties to review and revise their comprehensive plans and land development regulations or codes so that they are compatible with initiatives to reduce carbon emissions by, among other things, promoting green building and low impact development concepts. **OPPOSE** legislation that would result in additional energy-related mandates to county government without funding to implement such mandates.

SUPPORT a state comprehensive climate change action plan, energy policies, and other initiatives to reduce carbon dioxide and other compounds in the atmosphere which will help provide solutions to present and future generations, including ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic growth and prosperity. Additionally, **SUPPORT** state funding sources to assist local

governments in developing and implementing necessary climate change initiatives.

Environmental Regulation: **OPPOSE** legislation that preempts local authority with regard to environmental regulation and enforcement.

OPPOSE legislation that prevents counties from having local environmental programs that are stricter in nature than state or federal regulatory programs.

Fertilizer and Landscaping: **OPPOSE** preemption of county authority to regulate the use and application of fertilizer. **SUPPORT** enhanced statewide promotion of the Florida Green Industries Best Management Practices as a basic level of water quality protection. **SUPPORT** legislation that would allow counties to develop regional approaches to fertilizer and other water

quality issues that take into account particular local concerns relating to geology and hydrology.

Florida Forever: **SUPPORT** the continuation of the Florida Forever land-buying program, to the extent the program is sufficient to acquire land for the protection of natural resources and green spaces. **SUPPORT** continuation of a dedicated state funding source which provides local match funding for local land acquisition. **OPPOSE** any efforts to undermine local government zoning authority. **SUPPORT** legislation that would require land acquisition projects to be ranked according to their consistency with the local comprehensive plan.

Management of Conservation Lands: **SUPPORT** legislation that provides future state funding for the maintenance and management of conservation lands transferred to county control. **SUPPORT** legislation that provides for improved management of state lands and public access to those lands.

Onsite Wastewater Treatment: **OPPOSE** legislation that would prevent counties from requiring mandatory hookup to central sewer.

Solid Waste Management: **SUPPORT** reinstating state funding of Solid Waste Management Grants. **SUPPORT** maintaining the waste tire fee as a dedicated revenue source for funding mosquito control programs and waste tire recycling.

Solid Waste-Construction & Demolition Debris ("C&D") Collection, Recycling and Disposal: **OPPOSE** preemption of county authority to franchise and otherwise regulate C&D haulers, recyclers, or disposal facilities.

Sovereign Submerged Lands: **SUPPORT** the current case law definition of the "ordinary high water mark" delineating state lands from lands in private ownership and **OPPOSE** any changes to the definition which have the effect of transferring large quantities of wetlands and uplands from state ownership to private ownership.

Vessels and Waterways: **SUPPORT** continued state funding of derelict vessel removal. **SUPPORT** legislation that provides public access to

MINING

OPPOSE legislation that reduces or eliminates the county government role in siting mines for the production of construction aggregate or other minerals. **OPPOSE** legislation that would prevent the ability of counties to regulate local concerns relating to the operation of mines including, but not limited to, hours of operation, noise, traffic, and dust. **SUPPORT** legislation that addresses Florida's failing port and rail infrastructure in a meaningful way, so that construction aggregate can be economically imported. **SUPPORT** legislation that provides incentives for the increased use of recycled industrial materials in construction, to lessen the need for new mines.

LEGISLATIVE PRIORITY

waterways and preserves county regulatory power. **SUPPORT** continued state and local regulation of vessels, mooring fields, bulkheads and seawalls, floating vessel platforms, and seagrasses in order to protect water quality. **OPPOSE** further dilution of county authority to regulate vessels and waterways.

Wastewater: OPPOSE legislation that does not provide for a state and local partnership in eliminating ocean outfalls of wastewater, or that passes on an unfunded mandate to local government wastewater utilities.

Water Governance: SUPPORT legislation that would enhance local government participation in the water management district permitting and regulatory process. **OPPOSE** the legislative creation of a statewide water commission which redefines the water supply relationship among the state, water management districts, and local governments.

Water Pricing & Privatization: OPPOSE legislation that shifts water supply allocation from a publicly regulated process to a market driven process. **OPPOSE** legislation that undermines the fundamental principles of Florida water law which establishes a right of use not a right of ownership. **SUPPORT** legislation that preserves the fundamental principles of Florida water law which requires a showing that a proposed use of water is a reasonable-beneficial use, will not interfere with an existing legal use of water, and is consistent with the public interest to protect water and related natural resources. **SUPPORT** legislation consistent with the fundamental principles of Florida water law, that will allow water management districts the flexibility to work with local governments to establish procedures to manage reallocation efforts when regions have reached or surpassed their sustainable amount of water usage.

Water Transfer: OPPOSE legislation that undermines existing Florida water law which states that a county in which water is withdrawn shall not be deprived directly or indirectly of the prior right to reasonable and beneficial use of water which is required to supply the needs of that county's

WATER SUPPLY FUNDING

SUPPORT legislation that enhances regional and local financial capacity to address water resource and water supply development. **SUPPORT** legislation that enhances the flexibility of expenditures from the state, regional, and local funding sources to address water resource and supply development. **SUPPORT** the enhanced funding of the Water Protection and Sustainability Program within the Florida Department of Environmental Protection (FDEP) for alternative water supply development, water quality development and comprehensive water supply infrastructure needs. **SUPPORT** maintaining the current limitations on the use of Florida Forever funding for water resource development.

natural systems or any of the inhabitants or property owners therein. **SUPPORT** continuation of state law on local sources first.

Water Reservation: SUPPORT the current authority of the FDEP and the water management districts to create water reservations for the purpose of protecting natural resources and the public health and safety. **SUPPORT** legislation providing counties with input to the FDEP or the districts with respect to water reservation projects.

Water Quality Credit Trading: Counties are regulated entities under the total maximum daily load (TMDL) program and have concerns pertaining to compliance and enforcement issues surrounding this program. However, counties are equally concerned that the TMDL program is implemented in a way that results in the most

environmental benefit, with the least room for abuse of the tools that are available to meet TMDL requirements. Counties recognize that water quality credit trading could be a useful tool in implementing TMDLs but are concerned regarding the potential for abuse, as well as whether it will result in the most environmental benefit, or whether it will discourage regulated entities from seeking long-term solutions. However, we recognize that statutory authority for this program already exists, and as such, we seek to ensure that the concept of water quality credit trading moves forward in a reasonable way, with certain parameters in place to ensure the most environmental benefit possible. In light of this, FAC's policy on water quality credit trading is as follows:

If a water quality credit trading is to be established, **SUPPORT** trading only when incorporated into an adopted Basin Management Action Plan.

SUPPORT trading where credits are generated only by permit revisions that require a seller to go above and beyond minimum regulatory requirements.

OPPOSE trading where the buyer and seller are not within the same basin.

SUPPORT an accurate accounting mechanism for water quality credits which results in an overall improvement of water quality, where TMDLs are met or exceeded.

OPPOSE location factors that allow pollutant loads that result in hot spots or cumulative effects.

SUPPORT default uncertainty factors of 2:1 for stormwater best management practices and 3:1 for agricultural best management practices.

OPPOSE indefinite credit trading contracts. Credit trades should be reviewed periodically so that they are only short-term solutions rather than long-term ones.

Water Quality, Stormwater Management and Total Maximum Daily Loads (TMDLs): **SUPPORT** the continued or enhanced funding of the Water

Protection and Sustainability Program within the FDEP for TMDL and stormwater programs.

OPPOSE legislation that would preempt county authority to regulate water quality or would restrict counties in implementing TMDLs.

SUPPORT measures to preserve county authority to address water quality problems or those that provide flexibility to county governments in crafting solutions to water quality problems at the local level.

Wetland Permitting: **OPPOSE** dilution of county authority to establish and enforce wetland regulatory requirements. **OPPOSE** legislation that would require counties to permit wetland impacts in violation of local comprehensive plans, ordinances, or regulations.

Working Waterfronts: **SUPPORT** legislation that provides additional state and local funding sources and statutory provisions to assist local governments in the following: (1) with the acquisition of property or the securing of development rights resulting in the preservation or enhancement of public access to Florida water bodies; (2) the preservation of recreational and commercial working waterfronts; and (3) the construction or maintenance of boating improvement projects.

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Agriculture Section

Alternative Energy Sources: SUPPORT

legislation that provides incentives for the development of alternative energy sources, as well as incentives for development of infrastructure and usage of alternative energy sources.

Rural/Agricultural Preservation: SUPPORT

funding the Rural and Family Lands Protection Act to allow for the purchase of rural lands protection easements to prevent the subdivision and conversion of such land into other uses.

SUPPORT the implementation of rural land stewardship areas pursuant to section 163.3177, F.S., to maintain the economic value of rural land, protect the character of Florida's rural areas, ensure the viability of Florida's agricultural economy, and control urban sprawl. **SUPPORT** legislation that provides local match funding for technical assistance and planning money for counties to implement RLSAs. **OPPOSE** legislation that seeks to unfairly alter current property rights law by ignoring the principles of reasonable investment backed expectation, creating unwarranted privileges for speculative land uses. **OPPOSE** legislation that preempts local government's ability to establish and maintain local ordinances which regulate land use and environmental issues.

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Health Care Section

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Automatic External Defibrillators (AEDs):

OPPOSE legislation that preempts county authority to regulate use or register distribution of AEDs. **SUPPORT** a cost recovery mechanism if county provided training is mandated.

Behavioral Health System: SUPPORT

appropriate funding for core mental health and substance abuse services, whether through the Department of Children and Family Services or Medicaid, which includes but is not limited to, enhanced funding for crisis intervention and treatment, case management, family intervention, medications, and other needed mental health and substance abuse services. **SUPPORT** continued efforts to work through Medicaid reform initiatives to ensure that persons with substance abuse and mental health treatment needs are appropriately served. **OPPOSE** diversion of current local funding, including but not limited to, diverting funding provided for non-Medicaid patients to Medicaid managed behavioral health care programs.

SUPPORT legislation to ensure that health maintenance organizations meet statutory behavioral health direct spending requirements and reinvest savings in direct services.

SUPPORT the expansion of crisis intervention team initiatives statewide to divert individuals with behavioral health conditions from jail incarceration.

SUPPORT the establishment of a mechanism to allow for immediate Medicaid coverage for those released from jails/prisons or discharged from institutions for mental disease.

SUPPORT efforts to increase supportive housing, employment and education initiatives for people with behavioral health issues and/or disabilities.

SUPPORT appropriate funding as outlined in the existing state capacity formula for crisis mental health and substance abuse beds statewide.

SUPPORT increased funding for public receiving facilities and maintain funding for public facilities if new state general revenue is provided to private receiving facilities.

County Health Departments: SUPPORT

maintaining state general revenue funding for county health departments, and **OPPOSE** any state reductions to the county health department trust funds. **SUPPORT** legislative efforts to provide additional sources of supplemental funding to help county health departments transition away from Cost Based Reimbursement in Medicaid reform areas, and **SUPPORT** efforts to help county health departments prepare for expansion in the event that reform moves to additional counties.

County Subsidization of State Medicaid

Expenditures: SUPPORT efforts to ensure that county funds assessed to subsidize the state's

Medicaid expenditures are used directly for the medical services for which the counties are assessed.

Florida Kidcare Program: **SUPPORT** legislation that establishes a seamless eligibility process for families to easily transfer their children between the different Kidcare programs without interruption of benefits. **SUPPORT** efforts to provide health care coverage for every child in the state who does not have access to adequate health insurance without mandating the contribution of funds from local governments.

Health Care Responsibility Act (HCRA): **SUPPORT** limiting county funds expended under the HCRA mandate to emergency room services as defined by current law and the Agency for Health Care Administration (AHCA) rules.

Long-Term Care Medicaid Reform: **SUPPORT** cautious implementation of long-term care pilots. **OPPOSE** actions that shift costs from the state to local governments, communities and service providers. **SUPPORT** annual financial monitoring and review of capitated rates to insure appropriate coverage of the required spectrum of elder care needs.

Medicaid Nursing Home Services: **SUPPORT** a fair and equitable billing methodology for purposes of assessing the amount of county subsidization of the state's Medicaid expenditures for nursing home services. **SUPPORT** legislation that 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 that will divert premature nursing home placement.

Suspension of Medicaid Benefits for Inmates: **SUPPORT** state legislation that would allow for the suspension rather than termination of Medicaid benefits for individuals, including juveniles, who are convicted of a crime and incarcerated for less than one year. **SUPPORT** legislation that would amend federal law (U.S. Code of Federal Regulations, Title 42, Part 435.1009) to allow Federal Financial Participation

for individuals, including juveniles, who are accused of committing a crime and are awaiting trial, even if incarcerated, until they are convicted of a crime.

Medicaid Reform: 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. Reforms should recognize the unique role that counties play both as payers and as providers in the Medicaid program. In order for Medicaid reform activities to be successful, counties must be integrally involved as partners in the development of reforms to ensure that they effectively meet the needs of county citizens.

Unlike many states, Florida has required counties to contribute financially to the Medicaid program, subsidizing the state's share. This current policy leaves counties vulnerable each year to potential cost shifts when there is a state budget deficit or shortfall.

FINANCING ISSUES

SUPPORT the state's efforts in opposing changes to the funding formula for the Medicaid program between the federal and state government that would reduce the federal share to Florida.

SUPPORT legislation that allows the state to finance and promote the objectives of the Medicaid program without shifting additional costs to county government.

PROGRAM ISSUES:

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.

OPPOSE EXPANSION OF MEDICAID REFORM PILOT PROJECTS

OPPOSE expansion of Medicaid reform pilot projects in light of unfavorable findings reported in independent analyses and the Agency for Health Care Administration's Inspector General's report. **OPPOSE** expansion to additional counties until the issues identified in these studies have been satisfactorily resolved.

LEGISLATIVE PRIORITY

SUPPORT efforts to ensure that county health departments are able to provide primary care and other health care services.

SUPPORT effective external choice counseling and case management that ensures Medicaid service 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 modifications to Medicaid's drug formulary that ensure access to medically necessary prescription drugs, including, but not limited to, access to medically needed psychotropic medications.

Trauma Care System: **SUPPORT** efforts to maintain and enhance established trauma care funding, including incentives for the development of new trauma centers. **OPPOSE** any efforts to shift the state's financial responsibility for the trauma system to counties or divert trauma care funding for purposes other than those intended by the existing legislation.

Health Insurance: **SUPPORT** legislation designed to increase the number of Floridians who have access to affordable health insurance without mandating additional funding from local governments.

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Human Services Section

Florida Health Services

Corporation: SUPPORT

reinstating the state funds for the Florida Health Services Corporation program to fund the dental student loan repayment program under current law, s. 381.0302, F.S.

Long-Term Care: SUPPORT

legislation that expands the number of planning and service areas designated by the Department of Elder Affairs.

Senior Services Taxing

District: SUPPORT legislation that grants county government the option to create an independent special taxing district to provide funding for enhanced senior services.

OPPOSE any efforts to reduce the state's financial responsibility for senior services by shifting costs to counties.

EMERGENCY MEDICAL SERVICES (EMS)

SUPPORT efforts to maximize reimbursement from third party payers directly to county EMS.

TRANSPORTATION DISADVANTAGED (TD)

SUPPORT the continuation of a coordinated transportation disadvantaged system per Chapter 427, F.S. **SUPPORT** efforts to avoid fragmentation, inefficient operation, and costly duplication of TD services. **SUPPORT** appropriate and dedicated state funding to counties for the TD program based upon data from actual ridership without shifting the responsibilities of these funding services to local governments. **SUPPORT** legislation that provides the financial infrastructure for the state to sustain Medicaid non-emergency patient transportation services by using an allocation methodology rate process for distribution of funds to counties that does not shift financial responsibility of these services to the local level.

LEGISLATIVE PRIORITY

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Public Safety Committee Final Policy Statements

Public Safety Section

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FLORIDA PUBLIC SAFETY COORDINATING COMMISSION (FPSCC)

In an effort to improve the overall efficiency and effectiveness of the civil and criminal justice system in Florida, **SUPPORT** the creation of the FPSCC within the Florida Association of Counties to facilitate open communication between local governments and the state.

LEGISLATIVE PRIORITY

GENERAL PUBLIC SAFETY

Automated Traffic Enforcement: **SUPPORT** legislation that would allow counties and municipalities to use automated traffic enforcement technology at intersections to combat the increasing problem of red light running.

Crystal Methamphetamine: **SUPPORT** state funding for local and regional crystal methamphetamine enforcement, cleanup, and treatment.

County Emergency Radio Systems: **OPPOSE** legislation that would shift funds away from or impede counties from building and maintaining an interoperable radio communication system as authorized by statute.

Fireworks Regulation: **SUPPORT** revisions to Chapter 791, F.S., which strengthen state and local regulations of the sale of fireworks and their illegal use. **OPPOSE** legislation that limits local regulation, or enforcement, of illegal fireworks.

IMPACTS TO COUNTY JAILS

OPPOSE legislation that amends, or creates, a criminal justice policy that does not determine and disclose the fiscal impact on counties. **OPPOSE** legislation that is predicted to have a substantial fiscal impact on county jails, but fails to provide counties a mechanism to recapture costs of implementation.

Illegal Aliens: **SUPPORT** full federal reimbursement for counties for all costs related to detaining and transporting undocumented immigrants. **SUPPORT** federal training dollars for county law enforcement officers who wish to enforce immigration law. **SUPPORT** the reauthorization of the State Criminal Alien Assistance Program (SCAAP), to reimburse state and local costs of incarcerating undocumented criminal

aliens, including \$200 million in new funds to cover indirect costs (such as court costs and indigent costs) that are not currently covered under SCAAP.

Medical Costs: **SUPPORT** legislation that reduces jail expenses by setting a standardized statewide reimbursement amount paid by counties to medical providers for health care services provided to inmates and arrestees at the established Medicaid rate or less. **SUPPORT** state funding to house and care for jail inmates within 15 days of such inmates being declared mentally ill per existing state law.

Violators of Probation: **SUPPORT** legislation that requires the state to house violators of probation who are alleged to have committed a qualifying offense as defined in 948.06, F.S., while awaiting disposition and transfer. **SUPPORT** limiting the number of days a felony violator of probation (VOP) can be held in a county jail, prior to disposition, to 30 days. **SUPPORT** legislation that prohibits inmates who are sentenced for 366 days or more from serving their sentences in county jails after October 1, 2009. **SUPPORT** legislation that requires the Department of Corrections (DOC) to pay for "prisoners" ("prisoner" as defined as an offender who is sentenced for at least 366 days or more, or a felony VOP that is held in a county jail, prior to disposition, for more than 30 days) housed in county jails based on DOC's past annual estimated annual cost per day.

Mentally Ill and Substance Abuse: **SUPPORT** the increased funding of the Criminal Justice Mental Health and Substance Abuse Reinvestment Grant Program (created by HB 1477 during the 2007 session) with recurring dollars in a trust fund. **SUPPORT** an increased federal appropriation of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

JUDICIAL SYSTEM

Clerk of Courts: **SUPPORT** standing case law as it relates to the Clerk of Court's authority to audit.

Communication Services re Article V: **SUPPORT** the elimination of county responsibility for funding subpoena services, auxiliary aids, courier services, phone services, and other line or communication services charges, as communications requirements. **SUPPORT** limiting county responsibility for information technology needs of the courts and

SUSPENSION OF MEDICAID BENEFITS FOR INMATES

SUPPORT legislation that allows for the suspension, rather than termination, of Medicaid benefits for individuals, including juveniles, who are convicted of a crime and incarcerated for less than one year. **SUPPORT** legislation that amends federal law (U.S. Code of Federal Regulations, Title 42, Part 435.1009) to allow Federal Financial Participation for individuals, including juveniles, who are accused of committing a crime and are awaiting trial, even if incarcerated, until they are convicted of a crime.

court stakeholders to the infrastructure necessary for the communication of computer terminals (i.e., cabling, routers, switches, and network firewalls used to connect and integrate nodes). **SUPPORT** the elimination of the provisions requiring counties to fund enhancements and upgrades to existing radio systems and existing Criminal Justice Information Systems.

Criminal Conflict and Civil Regional Councils: **SUPPORT** the elimination of the provisions that require counties to fund any aspect of the Criminal Conflict and Civil Regional Councils.

Funding for Court Related Programs: **SUPPORT** the continuation and enhancement of the \$2.00 recording fee to be distributed to the counties for use in funding the court-related technology needs of the state attorneys, public defenders, and state trial courts. **SUPPORT** the capping of the counties' funding responsibilities for these technology needs to the amount of revenue that is generated by the recording fee. **SUPPORT** the continuation and enhancement of the amount of state imposed and local option court costs and fees to include the expansion of the \$65.00 court cost on civil offenses

JUVENILE JUSTICE DETENTION FACILITIES

LEGISLATIVE PRIORITY

SUPPORT the state providing additional funding to the Department of Juvenile Justice (DJJ) upfront that will provide the agency the opportunity to bill counties for pre-disposition costs after each month of services rendered, while specifically itemizing the actual costs incurred for pre-disposition services. The charges incurred per day of service shall not exceed three percent of the average annual daily costs from the previous fiscal year. The state shall be responsible for pre-deposition beyond the tenth day of services rendered per juvenile. Counties shall not be responsible for pre-disposition costs beyond the tenth day of services rendered per juvenile. **SUPPORT** working with the state to determine the proper responsibility of the state and counties in relation to care and services provided to Florida's juveniles in the criminal justice system.

SUPPORT legislation that implements juvenile detention alternatives and revises the "Detention Risk Assessment Instrument" to divert children from detention facilities.

SUPPORT legislation that repeals Chapters 2004-263 and 2004-473, Laws of Florida (s. 985.2155, F.S.), which mandates counties fund the cost of pre-disposition (pre-trial) detention of juveniles. **OPPOSE** legislation that transfers any of the operational and service responsibilities of the DJJ to counties. **SUPPORT** increased state funding for prevention, diversion, and intervention programs for at-risk juveniles. **SUPPORT** increased state funding of juvenile facilities for the pre-disposition, detention, and incarceration of juveniles. **SUPPORT** full state funding of pre-disposition detention costs for counties meeting the statutory definition of "fiscally constrained".

for use in funding court innovations, legal aid, law libraries, teen court, and any other local programs deemed appropriate by counties.

Local Requirements: **SUPPORT** elimination of the requirement that counties fund teen courts, court innovations, and law libraries. **SUPPORT** eliminating the statutory requirement that counties fund legal aid programs and **SUPPORT** the development of alternative state funding sources for legal aid programs. Also, **SUPPORT** the elimination of the requirement that each county fund alternative sanction coordinators, as required under Florida Statutes.

Maintenance of Local Effort: **SUPPORT** language that eliminates the statutory maintenance of local effort requirements.

Pre-Trial Release: **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.

Prosecution and Defense of Local Ordinance

Violations: **SUPPORT** creation of county authority to negotiate the statutory \$50.00 hourly rate under section 27.34(1), F.S., with the local state attorney and under section 27.54(2), F.S., with the local public defender for the prosecution and defense of local ordinance violations. **SUPPORT** the protection of local prosecutors by exempting from public records law, specific personal information of those who prosecute local ordinances.

Service of Process Fees: **SUPPORT** an increase of statutorily-limited fees for Sheriffs' service of civil and criminal process to a level reflecting true average cost to counties.

Small County Courthouse Funding: **SUPPORT** continued state general revenue funding for capital improvements to county courthouses and other court-related facilities located in rural counties.

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Emergency Management Section

Disaster Funding: To reduce the financial impact on counties recovering from natural disasters, and to ensure federal disaster programs are maximized, **SUPPORT** full state funding for the non-federal cost-share requirements associated with the Federal Emergency Management Agency's (FEMA) Public Assistance Program. Further, and consistent with previous legislative action, **SUPPORT** a 50/50 cost-share arrangement with the state for the non-federal portion of the Hazard Mitigation Grant Program (HMGP). **SUPPORT** the current HMGP fund allocation and project selection process developed by the DCA, and as defined in Rule 9G-22, Florida Administrative Code. **SUPPORT** the creation of an emergency bridge loan program for counties to provide a source of expedient cash flow to counties impacted by a major catastrophe. Alternatively, **SUPPORT** expanding the current Florida Small Business Emergency Loan Program by making counties eligible applicants. **SUPPORT** legislation that ensures that any additional sales tax revenues generated directly from hurricane reconstruction be used for disaster recovery, emergency management, and insurance stabilization purposes.

Emergency Management Preparedness and Assistance (EMPA) Trust Fund: **SUPPORT** maintaining the original intent and purpose of the EMPA Trust Fund, which is to serve as a funding source for state and local emergency management programs, by ensuring that all monies collected for purposes of funding emergency management,

preparedness and assistance are deposited into the EMPA Trust Fund and spent on emergency management activities. **SUPPORT** changes to the EMPA trust fund by ensuring the \$2.00 and \$4.00 annual surcharge on all homeowner and business insurance policies is assessed on either a per-parcel or per-unit basis of coverage, rather than on a single policy. **SUPPORT** a repeal of the seven percent service charge on the EMPA trust fund and redirect these monies back to the counties in the same manner in which the EMPA base grant is distributed.

Emergency Operation Centers (EOCs): **SUPPORTS** continued state funding for county EOCs to ensure each is able to meet the minimum structural survivability and operational space criteria established by the state and federal government and the American Red Cross.

Non-Emergency Governmental Telephone System: **SUPPORT** creating a statewide grant program to support 2-1-1 and 3-1-1 telephone systems to provide seamless government access and relieve calls from 9-1-1 that are important but non-emergencies.

Shelter Funding and Standards: Consistent with the provisions of Section 252.385, F.S., which states that it is the intent of the Legislature that this state not have a deficit of safe shelter space by 1998 and thereafter, **SUPPORT** additional state funding for hurricane shelter spaces, including retrofitting existing facilities, and providing for

the increased cost of construction for Enhanced Hurricane Protection Areas (EHPA) associated with new school construction. **SUPPORT** legislative changes that ensure that school boards fully comply with Section 1013.372, F.S., which requires that new education facilities be constructed with Enhanced Hurricane Protection Areas (EHPA) so they can serve as public shelters. **SUPPORT** statutory revisions requiring nursing homes and assisted living facilities to have a back-up power supply sources that operate a majority of the mechanical systems in the facility for a minimum of 72 hours. **SUPPORT** state funding for county and regional special needs patients and shelters.

Utility Infrastructure: To protect the health, safety, and welfare of the public, **SUPPORT** a study by the Public Service Commission on power alternatives and securing the availability of power supply, including but not limited to underground wiring. Additionally, **SUPPORT** efforts to improve communication and information sharing between counties and their respective electric service providers during and immediately after major storms.

Florida Association of Counties

2007-08 Guiding Principles

HOME RULE

County officials are dedicated to the preservation of democratic principles, specifically that the government closest to the people is the appropriate authority to serve the needs and requirements of the community. Home rule is the right of the people to determine and implement a public purpose at the grassroots level. Home rule power is conferred to Florida counties by Article VIII, Sections 1(f) and 1(g) of the Florida Constitution (1968), and by Section 125.01, Florida Statutes. The preservation of this fundamental democratic concept is essential to the operation of county governments in Florida. Accordingly, the Florida Association of Counties is dedicated to maintaining the integrity of county home rule power, both administrative and fiscal, which allows counties to develop and implement community-based solutions to local problems.

UNFUNDED MANDATES

A state directive that compels local governments to provide a service, program, or benefit without providing the appropriate monies or a funding source is regarded as an unfunded mandate. County officials recognize that some state-funded mandates are justified because they achieve agreed upon statewide policy goals. However, many, if not most, mandates on counties are imposed without the consensus of local governments or the resources for implementation. Mandates drain the financial lifeblood from county governments and impede their ability to adequately deliver the fundamental services required by law. Mandates also compromise a county's ability to provide discretionary services requested by the local community. Thus, the Florida Association of Counties opposes any state or federal actions that limit the ability of local elected officials to make fiscal and public policy decisions for the citizens they represent. Furthermore, counties support the

establishment of an agreed upon course of action whereby state and county elected officials deliberatively evaluate the appropriate funding and delivery of intergovernmental service responsibilities between counties and the state.

COMMUNITY & ECONOMIC DEVELOPMENT

The strength and vitality of local and state economies are built upon the foundation of infrastructure and services provided by county government. Furthermore, our economic prosperity rests on the stability of community leadership and the tools that are made available to county officials. Lastly, our community's quality of life requires even more cooperation and teamwork between public and private sectors. Therefore, counties need flexible tools to develop economic strategies that target local strengths, enhance and expand employment opportunities, and maintain adequate infrastructure. While economic development occurs primarily at a local and regional level, it is imperative that the state assists local communities by providing its resources through incentives, marketing and technical assistance. Accordingly, incentives at the state and local level should be based on need and provide for a return on public investments.

REVENUE FLEXIBILITY

The ad valorem tax is authorized to Florida counties by Article VII, of the Florida Constitution, and implemented by general law. Within limitations, the Constitution authorizes counties to levy up to 10 mills on all taxable property for county purposes. This tax is the primary revenue source for the operation of county government. However, the revenue generated by this tax has not kept pace with the demands and requirements of modern government in a rapidly growing state. As a result, counties have to resort to other tax and non-tax revenue sources to meet their demands. The

Florida Association of Counties is dedicated to protecting the integrity and fairness of the ad valorem taxing authority, as well as that of the other locally imposed revenue sources. Also, the Florida Association of Counties encourages the creation or enhancement of alternative public financing mechanisms to meet the ever-increasing demands on county government service delivery.

GROWTH MANAGEMENT & ENVIRONMENTAL PROTECTION

The impact of growth and development in Florida during the last 30 years has brought significant benefits and costs to county government. Given Florida's substantial growth during this period, the Florida Association of Counties supports a comprehensive planning framework with state oversight, regional coordination, and minimum local requirements. At the same time, this planning framework must recognize that many local land use decisions result in little to no impact on state and regional interests. Furthermore, because Florida's communities are remarkably diverse, this planning framework must also allow maximum flexibility to Florida's counties to address unique local concerns and conditions. Thus, to the greatest extent possible, the state's comprehensive planning framework must defer to local decision-making and include an incentive-based approach to better growth management.

The Florida Association of Counties supports the right of county officials to responsibly perform their planning, police power, and other functions to address local issues at the local level. County officials must have the ability to make reasonable decisions for the advancement of the local community on zoning, comprehensive planning, and infrastructure issues without being subjected to prohibitive claims for damages for infringement on private property rights. Additionally, and consistent with counties' home rule powers, county officials must have the latitude to develop and impose revenue sources that allow growth to pay its fair share.

Conservation and protection of our natural resources is critical to managing growth, promoting

economic development, and maintaining a healthy environment to ensure a high quality of life for county citizens. Accordingly, and in keeping with home rule authority, the Florida Association of Counties supports the right to adopt local environmental regulations to protect a community's unique natural resources.

Finally, increased demands on Florida's water supply are forcing many diverse interests to work with county government to plan the future of water policy in Florida. In an effort to achieve the best possible result, county government should continue to expand partnerships with the agricultural community, urban water users, regional government agencies, and environmental organizations to encourage water conservation, water resource, and water supply development projects. The primary goal of such water resource planning efforts should be ensuring resource availability for all reasonable beneficial uses, consistent with the protection of water and related natural resources.

FINANCE & TAXATION

The backbone of good government is financial accountability. For public officials to be accountable to taxpayers, the decision to tax should occur at the same level of government where the decision to enact a new program is made. County governments have a responsibility to raise the necessary revenues to finance a wide variety of critical, basic public services. Counties need a revenue base that adequately finances the services and programs required by the state, and the programs and services needed locally. If counties are to succeed in meeting their responsibilities, an adequate and fair local tax policy that is commensurate with the many responsibilities of modern county government must be developed.

HUMAN SERVICES

County officials recognize the importance of adequately providing for quality human services to protect and assist citizens in need. Counties have demonstrated this commitment by providing preventive services, medical assistance, social and aging services, and housing assistance. While most human service programs and the laws that govern

these programs are established by federal and state governments, many of these services are being provided through community-based services at the local level.

As a critical link in the federal/state/county human services partnership, counties must be included in formulating and implementing policies that protect the health, safety, and welfare of all the citizens of the state; allow for flexibility within communities to achieve the desired level of services based on local needs and priorities; and encourage the integration and coordination of human services.

Counties support expanding health care access and believe that efforts to refine and enhance state and local programs that provide access to affordable health care are essential.

Additionally, emergency medical services (EMS) are a vital role of county government. FAC supports county commissions maintaining authority to issue certificates of public convenience and necessity at the county level to ensure countywide uniformity of the EMS system.

In addressing critical social services needs related to child welfare and long-term care, the Florida Association of Counties strives to increase state funding for child protective and dependency case services and other state-related programs. Furthermore, counties need the capacity to define local systems of care and increase funding flexibility by removing budget categories so that monies can be directed locally to meet community needs.

The Florida Association of Counties supports enhancing the state funding for elder and long-term care services and directing existing funding from institutional care to community-based care programs such as Community Care for the Elderly, Home Care for the Elderly, Medicaid Waiver, Alzheimer's Disease Initiative, Senior Centers and the Assisted Living Waiver programs, respectively.

Availability of services and funding in the area of behavioral health are also important to our county officials. The Florida Association of Counties supports the establishment of integrated systems of

care for individuals with co-occurring behavioral and physical health problems in addition to efforts to enhance prevention and intervention services for children and families to divert children from the child welfare system. The Florida Association of Counties believes that developing a comprehensive services act of mandatory planning, development, funding, implementation and evaluation of mental health and substance abuse services for elder Floridians is also necessary to ensure continuity of care.

Given the varying capacity and funding capabilities of counties, the Florida Association of Counties supports adequate federal and state funding to ensure uniformity in the human services continuum.

PUBLIC SAFETY & SECURITY

Protecting the health, safety, and welfare of the citizenry are of paramount importance to county officials. County governments have a long tradition of ensuring the public's safety and security through operating county emergency management centers, providing fire and rescue services, and assisting in funding the state's court system, sheriffs' offices, juvenile programs, victims' assistance, and the jail system in each county.

Florida's citizens and visitors look to county government as the first line of defense to ensure their communities are safe and protected in times of natural and man-made disasters, terrorism, emergencies, and public health threats. It is imperative for state policy to maintain county government control of emergency management systems during such emergencies and public health threats. It is equally important that, as Florida's population continues to grow, that the state provide a dedicated funding source for hurricane shelter space.

It is only through a county partnership with the other levels of government that a full-scale comprehensive and coordinated approach may be taken to address crime and public safety problems. It is of the utmost importance to maintain and seek out open lines of communication between all parties involved to ensure the public's safety and security. Adequate resources must be in place so

counties are in the strongest position to protect their communities. Increased funding for security enhancements are needed to support measures which include, but are not limited to, airports, seaports, public buildings, public health infrastructure, and preparedness training for emergency personnel. Increased federal and state funding is essential to ensure that effective public safety systems are provided throughout Florida.

Since 1972, statutory changes and case law have expanded county court-funding responsibilities to include an ever-increasing multitude of costs. Those costs include providing office space for judges, public defenders, and state attorneys, expert witness fees, court appointed counsel costs, and many other related expenditures. Accordingly, the Constitutional Revision Commission proposed Revision 7 to require the State of Florida to fund a larger portion of the state court system, allowing counties to more ably meet local needs. That constitutional revision was approved by the Florida voters in 1998.

Since 1998, the Florida Legislature has been implementing the constitutional revision, having completed that initial process on July 1, 2004. Some elements of the state court system have remained a county responsibility. For some of those responsibilities, the Legislature has provided some revenue sources but these sources are grossly inadequate. The revenue from ad valorem taxes still funds a significant portion of the county's mandated share of the operation of the state court system.

The counties' long-held policy is that funding of the state court system is the responsibility of the state. County funding of the state's courts causes ad valorem taxes, intended to fund programs truly local in nature, to be used for state programs over which counties have no control or accountability. Accordingly, the Florida Association of Counties opposes the use of ad valorem taxes to fund the state's judicial responsibilities and supports the continued implementation of Revision 7, which provides for a more equitable manner of court funding.

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