

2008 Legislative Priorities Program





Commissioner
Teresa Jacobs
Orange County
FAC President

President's Message

State Leaders,

It is with great honor that I present to you the Florida Association of Counties' (FAC) 2008 Legislative Priorities Program. Florida's county officials have come together and worked tirelessly to develop a unified legislative agenda that benefits all counties. The FAC Legislative Priorities Program outlines statewide issues important to our shared constituency.

The program includes a description of FAC's legislative priorities for the 2008 Session. These priorities underscore our commitment to protecting local government authority and provide focus for the Association in responding to legislative issues.

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

Best wishes for a productive and successful session!

Commissioner Teresa Jacobs, Orange County
FAC President

2007-2008 Executive Committee



President
Commissioner Teresa Jacobs
Orange County

President-elect
Commissioner Randy Hatch
Suwannee County



1st Vice President
Commissioner Rodney Long
Alachua 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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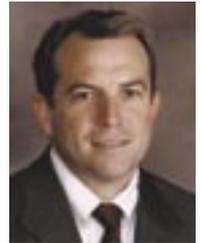


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Emergency Management, Growth Management & Transportation

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

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

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