



Finance, Tax & Administration Committee Agenda

- I. Call to Order
- II. Opening Remarks
- III. Sponsor Recognition and Remarks
- IV. Meeting Overview
- V. Meeting Process
- VI. Consent Agenda
 - a. ADOPT:
 - i. FTA-PP-01: Building Inspection Funds Carryforward
 - ii. FTA-PP-02: Transportation Sales Surtax for Non-Charter Counties
 - iii. FTA-PP-03: Deferred Retirement Option Program Extension
 - iv. FTA-PP-04: Public Records Exemption Senior County Leadership
 - v. FTA-PP-06: Public Records Request Aggregation
 - b. ADOPT—INCORPORATE INTO GUIDING PRINCIPLES:
 - i. FTA-PP-05: Supplemental Distribution Full Funding
 - c. Guiding Principles
- VII. Additional Action Items:
 - a. FTA-PP-07: PACE Program Accountability
 - b. FTA-PP-08: Tourist Development Tax for Economic Development
- VIII. Guest Speaker: TBD
- IX. Other Business
- X. Adjournment



FTA-PP-01: BUILDING INSPECTION FUNDS CARRYFORWARD

COMMITTEE RECOMMENDATION: ADOPT

PROPOSED POLICY: SUPPORT changes to the Florida Statute regarding building inspection funds, which has severely limited local government's ability to ensure they carry forward enough funds to cover pending inspections.

BACKGROUND: In 2019, Legislation was passed stating a local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. This portion of the bill does not account for unexpended funds (liabilities) a local government holds for the completion of inspections on permits issued beyond the fiscal year, i.e., if a permit takes multiple years to have all inspections completed.

ANALYSIS: Modifying Florida Statute 553.80(7)(a) to clarify the county's ability to carry forward funds associated with outstanding inspections at their discretion would alleviate this unnecessary burden.

To rebate and reduce building permit fees in cases such as this place local governments in a precarious position of having to use funds associated with open permits to complete inspections. This dollar amount can be significant and has rapidly grown in the last two years because of the upward economy. It is important to clarify that this amount can also be carried forward beyond just the average of the operating budget for the previous 4 fiscal years.

Suggested language change: Florida Statutes 553.80 Building Construction Standards Enforcement (7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term operating budget does not include reserve amounts nor funds set aside for the completion of inspections on issued permits. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government that established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance



in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - FTA-PP-01 was recommended for adoption by the committee.
- Bills:
 - [Ch. 2019-75](#), L.O.F. (Originally CS/CS/HB 447 – *Construction* by Rep. Diamond) amended [s. 553.80](#), F.S. – *Enforcement*.
 - Regarding local government balances in enforcing the Florida Building Code (F.B.C.), the bill prohibited a local government from carrying forward any unexpended balance exceeding the average operating budget of enforcing the F.B.C. for the prior four fiscal years.
 - Any amount that a local government is prohibited from carrying forward must be used to rebate and reduce inspection fees.
 - The bill excludes any funding reserves from calculation of the operating budget; without inclusion of liabilities such as unexpended reserve funding, the average four-year operating budget will be higher, allowing for greater carryforward by counties of unexpended balances
- Statutes:
 - [S. 553.72](#), F.S. – *Intent*
 - This section provides the statutory authority for local governments to conduct inspections of all buildings, structures, and facilities within their jurisdiction for compliance with the Florida Building Code

FISCAL IMPACT: Dependent on County.

SUBMITTING COUNTY AND CONTACT: Marion – Matthew Cretul
matthew.cretul@marionfl.org (352) 817-3139

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-02: EXTENDING THE CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX TO NON-CHARTER COUNTIES

COMMITTEE RECOMMENDATION: COMBINE AND ADOPT

RECOMMENDED AMENDED STATEMENT: PROPOSED POLICY: SUPPORT modification to existing laws to allow for the enactment by referendum of the Charter County and Regional Transportation System Surtax for those non-charter counties not currently authorized to levy the surtax.

BACKGROUND: Marion – Tax reform measures that simplify administration and provide an economic boost to Florida’s taxpayers are essential. These measures must consider and minimize the collective and cumulative negative impact on local revenues, including state-shared and local discretionary revenue sources that are critical to local governments in providing community services. To accomplish this objective, Marion County recommends the following: Enact a law allowing non-charter counties in Florida the opportunity to levy a transportation sales surtax similar to charter counties.

Monroe - Many of our communities experiencing frequent, persistent flooding and prolonged inundation due to heavy rainfall, storm surge, high tides, and seasonal King Tides, causing damage to its public roadways and property. Flooded roads block access to the community by homeowners, businesses services, public services, and emergency services. During times of natural disasters, the significant flooding jeopardizes emergency response to disaster victims, and the ability to clear road debris, restore power lines, and assess damage. One neighborhood's roads were underwater for almost 3 months in 2019. Simply raising the roads is not enough because the runoff must be treated and diverted away from private property owners' lots. The solution requires expensive engineered systems that treat and dispose of the water through injection wells. Without functioning roadways, operational storm water systems, and supporting infrastructure our communities cannot remain safe and secure or viable.

In addition, as a community with one main roadway that is often snarled in traffic, Monroe County benefit from additional funds to finance an improved transit system, whether it be buses, ferries and water taxis, or other types of transportation.

Other coastal non-charter counties are starting to experience similar flooding impacts. Other non-charter counties may have transportation and transit needs. Providing all 47 non-charter counties the opportunity to levy this surtax to meet these needs without the expense or added bureaucracy of forming new RTA's or charter governments will make for the most efficient use of these tax dollars.



Postponing such investment in critical infrastructure like roads and transit for lack of funds, will only be more costly for taxpayers, homeowners, and businesses. We seek to address these challenges before they become more expensive, and before they become actual interruptions to property values, business activity, and travel.

ANALYSIS: Marion – The enactment of the transportation sales surtax for non-charter counties will provide a much-needed revenue source to all non-charter counties in the state in order to fund transportation capital projects, especially since the local gas tax is not indexed and inflation has diminished purchasing power.

FISCAL IMPACT: Marion – Marion County has an annual shortfall of approximately \$10 million for capital maintenance projects and a backlog of \$300 million for local transportation capacity projects.

Monroe - Monroe currently levies a one penny infrastructure sales surtax, which generates approximately \$40 million per year. If the legislative change is made and the voters approve the levy, the transportation surtax would generate an additional \$40 million per year in Monroe County. In 2020, Monroe received estimates that it would take approximately \$1.8 billion to address its road elevation issues for our roughly 300 miles in County roads. The statute allows for an up to 30-year levy. At \$40 million a year, this tax would generate \$1.2 billion over 30 years - a significant step in meeting those projected costs.

If Monroe were to join the South Florida Regional Transit Authority, it would be required to pay approximately \$4.275 million each year for that privilege (see F.S. 343.58(1) & (3)). That membership fee is more than 10 percent of the anticipated proceeds of the tax, which would be better spent to finance actual road projects and/or transportation programs. Over a 30-year period, that \$4.275 million annual contribution would equal \$128.2 million that could be better spent on actual projects instead of funding overhead at SFRTA.

Both the State and communities all around coastal Florida face the same challenges, and costs. The state would benefit from this legislative change because local governments would have more local money to fund these projects, thus lessening the need to seek state funds.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - o FTA-PP-03 and FTA-PP-04 sponsors agreed to consolidate their proposals
 - o The proposals were recommended by the committee to be combined and amended into one proposal, FTA-PP-02

- Statutes:



- o [S. 212.055](#), F.S. – *Discretionary Sales Surtaxes; Legislative Intent; Authorization and Use of*
 - “Each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under chapter 343 or chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.”
 - Non-charter counties that are currently eligible are Hernando, Manatee, and Pasco Counties.
 - Three counties currently levy this surtax – Broward at 1%, Duval at 0.5%, and Miami-Dade at 0.5%.
- Florida Constitution:
 - o [Article VIII, Section 1\(f\)](#) reads: Counties not operating under county charters shall have such power of self-government as is provided by general or special law.
 - As it stands, state statute does not broadly authorize non-charter counties to levy the surtax.
- Previous FAC Statements & Guiding Principles:
 - o FTA-PP-03 (2021):
 - SUPPORT modification to existing laws to allow for enactment of the Transportation System Surtax for non-charter counties.
 - o Guiding Principle FTA 4.
 - The Florida Association of Counties supports measures that enhance the effectiveness of existing local revenue sources to meet current and future public service demands.

SUBMITTING COUNTY AND CONTACT: Marion – Matthew Cretul
matthew.cretul@marionfl.org (352) 817-3139

Monroe –Bob Shillinger shillinger-bob@monroecounty-fl.gov (305) 292-3470

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A





FTA-PP-03: DEFERRED RETIREMENT OPTION PROGRAM EXTENSION

COMMITTEE RECOMMENDATION: ADOPT

PROPOSED POLICY: SUPPORT expanding the Deferred Retirement Option Program (DROP) to allow all eligible FRS employees to extend their participation in DROP for up to 36 months beyond their initial 60-month eligibility period. This would match the DROP participation extension now permitted for eligible law enforcement officers.

BACKGROUND: The pandemic-era trend known as the Great Resignation continues to affect the labor market, leading some workers to quit their jobs at near record levels. This has hurt Volusia County's ability to attract and maintain qualified employees. Florida House Bill 5007 was signed into law earlier this year allowing law enforcement officers who meet the criteria in section 121.0515(3)(a), Florida Statutes to participate in DROP for up to 36 calendar months beyond their initial 60-month eligibility period as provided in section 121.091(13)(b)1.c., Florida Statutes. The law enforcement officer must remain in an eligible law enforcement officer position while working the entire period of extended DROP participation.

ANALYSIS: As of Aug. 10, 2022, Volusia County has 96 employees participating in DROP. These long-term employees have the knowledge, experience, and wisdom so necessary for an organization to be successful. They provide much needed continuity, serve as role models to other staff members and project a positive image to the community. Allowing these employees to extend their DROP participation if they desire will ultimately strengthen our organization and allow the County to better withstand the current labor shortage.

FISCAL IMPACT: Indeterminate at this time

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - FTA-PP-03 was recommended for adoption by the committee.
 - Previously FTA-PP-05
- Statutes:
 - [S. 121.091\(13\)](#), F.S. provides the statutory framework for the Deferred Option Retirement Plan (DROP) program.
 - The program allows eligible Florida Retirement System (FRS) employees to defer receipt of retirement benefits while continuing employment with his/her FRS employer.
 - The benefits that would ordinarily be paid out upon the employee reaching their normal retirement date instead accrue, with compounded



interest, in the Florida Retirement System for the duration of DROP participation.

- Most eligible members may elect to participate in the DROP program for no more than 60 months
- Certain eligible classes may participate in DROP for up to an additional 36 months beyond the initial 60-month period:
 - Instructional personnel for the Florida School for the Deaf and the Blind
 - Instructional personnel for grades K-12
 - Instructional personnel employed by a developmental research school
 - Law enforcement officers who are members of the Special Risk Class under the criteria set forth in [s. 121.0515\(3\)\(a\)](#), F.S.
- Bills:
 - o [Ch. 2022-159](#), L.O.F. (previously HB 5007 – *State-Administered Retirement Systems* by the House Appropriations Committee) amended s. 121.091, F.S. to include the aforementioned Special Risk Class of law enforcement officers among the eligible FRS membership classes to receive an optional 36 month additional DROP period
 - The measure also raised the statutorily prescribed employer contribution rates into the FRS, in part, to fund the modifications to the DROP program.
 - **Note:** Future expansions of the DROP eligibility period may result in additional contribution rate increases into the FRS.
- FAC Guiding Principles:
 - o FTA 6.
 - The Florida Association of Counties supports policies related to retirement, workers' compensation and other administrative systems be based on sound and accurate data analyzed with consideration for state and local fiscal impact, fairness and accessibility for state and local employees, as well as, predictability and stability relative to market forces for the long-term effective management of state and local financial plans.

SUBMITTING COUNTY AND CONTACT: Volusia – John Booker jbooker@volusia.org
(386) 740-5160

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Yes



UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



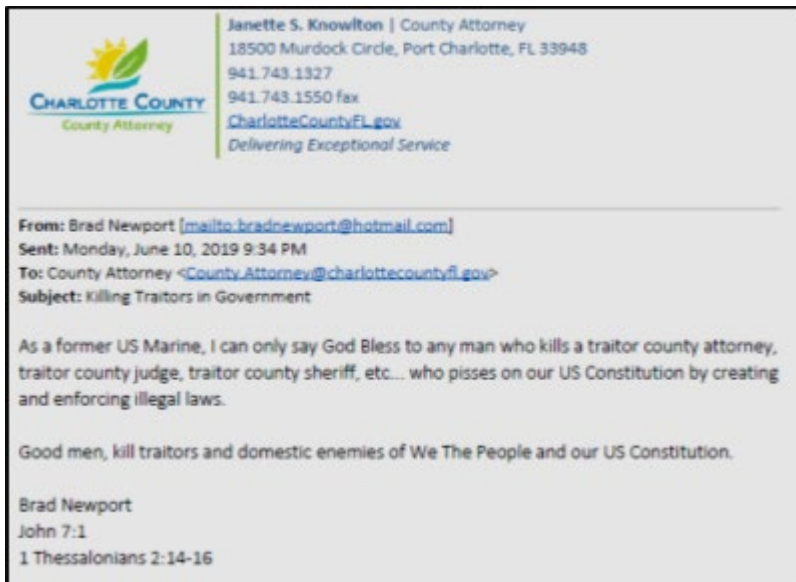
FTA-PP-04: PUBLIC RECORDS EXEMPTION— SENIOR COUNTY LEADERSHIP

COMMITTEE RECOMMENDATION: COMBINE AND ADOPT

RECOMMENDED COMBINED STATEMENT: FAC SUPPORTS amending s.119.071, F.S., to grant a public records exemption to allow the protection of the County Administrator/Manager/Coordinator, the County Attorney, and the senior-most security personnel.

BACKGROUND: Broward County is concerned for our county administrators given the gravity of the threats directed towards these senior policymakers. Protecting the private information of county leadership and their families is a public necessity. Over the past several years, and particularly because of the COVID-19 pandemic, death threats have been made towards the County Administrator of Broward County that were subsequently investigated by law enforcement. It is imperative that the state make efforts to prevent threats from transforming into actionable capability to commit violence against the policymakers of county government.

Charlotte County is seeking FAC’s support for a bill amending s. 119.071(1), F.S., providing an exemption for county security personnel, county administration, and county attorney home addresses, telephone numbers, as well as, amending s. 119.07(1)(f) to include security system operation meetings.



Over the last several years, Charlotte County has unfortunately experienced an uptick in anti-government activities and incidents from individuals and groups. These incidents include: stalking of County Attorney¹,



filming of County security personnel and security systems², and harassing a stalking victim and witness^{3,4}. One such individual is being investigated by the Federal Bureau of Investigation and was found with 36 guns, including an AR-15-style rifle and a shotgun, along with thousands of rounds of ammunition^{5,6}. Of note, he specifically targeted the County Attorney and County security staff members.

Figure 1: Email sent to Charlotte County Attorney

Our request is to impede a willingness to commit harm as shown in *Figure 1* from transforming into actionable capability to commit violence.

For a local community like ours, these terrible incidents have created a chilling effect among staff and security personnel. We need a solution. Exempting the home addresses of security personnel, county administrators, and the county attorney's office maintains the necessary balance of freedom of speech and public safety. These positions provide essential functions for county safety, they must be protected. The abuse of public records requests system has created security gaps that must be addressed to ensure that the first amendment is respected, but that the continuity of county security and leadership is protected.

ANALYSIS: County administrators provide essential functions for the continuity of local government and must be protected. The abuse of the public records requests system has created security gaps that must be addressed to ensure that the first amendment is respected but should not be mutually exclusive to the protection and safety of county leadership.

- Charlotte County is concerned for our county security given the heinous tactics and machinations that our security personnel, county administration offices, and county attorney offices have experienced.
- Charlotte County has had serious difficulty recruiting and retaining security personnel given these abuses.
- Charlotte County is requesting that FAC act to reduce the paths of least resistance for domestic terrorist, harassers, and criminals.

FISCAL IMPACT: N/A

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - Proposals FTA-PP-06 and FTA-PP-07 were recommended by the committee to be combined and amended into one proposal, FTA-PP-04
- There are currently 21 exemptions for stated state and local positions. Exempt positions include: sworn law enforcement, judges, state attorneys, correctional officers, probation officers, firefighters; human resource, labor relations, or employee relations officers; code enforcement officers, public defenders, revenue collection officials, county tax collectors, emergency medical technicians and paramedics, and personnel in an



inspector general’s office. Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements.

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- Statutes:
 - [s. 119.071, F.S.](#)
 - Provides for general exemptions from inspection or copying of public records
- Past FAC statements & Guiding Principles:
 - 2022: FTA-PP-13: PUBLIC RECORDS – COUNTY STAFF - POLICY PROPOSAL: Adopted - SUPPORT legislation granting public records exemptions to counties which allow the protection of security personnel and senior county leadership (county administration and county attorneys staff).
 - 2022: FTA-PP-12: PUBLIC RECORDS - COUNTY ADMINISTRATION PROPOSED POLICY: Not Adopted - SUPPORT amending s. 119.071, F.S., to provide a public records exemption for county administrators, deputy county administrators and assistant county administrators.
 - Guiding Principle FTA 10:
 - The Florida Association of Counties supports policies that promote access to public records in a manner that is not frivolous; that upholds fiscal responsibility; that does not prevent the efficient and effective administration of local services; and allows for exemptions to protect the safety and security of individuals providing or receiving critical public services.

SUBMITTING COUNTY AND CONTACT: Broward – Marty Cassini
mcassini@broward.org (954) 599-8088

Charlotte –Cameron Pennant cameron.pennant@charlottecountyfl.gov (941) 740-4893

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-05: SUPPLEMENTAL DISTRIBUTION FULL FUNDING

COMMITTEE RECOMMENDATION: INCORPORATE INTO GUIDING PRINCIPLES

PROPOSED GUIDING PRINCIPLE: FTA-02 The Florida Association of Counties supports policies that consider impacts to state revenues shared with counties for the provision of local services and is opposed to permanent modifications to state shared revenue sources or related funding formulas that would significantly impact the counties' ability to continue to fund local services. The Florida Association of Counties supports full formula funding for state shared revenue while opposing any changes to revenue sharing programs that make any county worse off.

PROPOSED POLICY: SUPPORT full formula funding for both the Supplemental Distribution and the Emergency Distribution for eligible counties.

BACKGROUND & ANALYSIS:

Calculate Supplemental Distribution According to Statutory Formula. - The Legislature is requested to increase the allocation of funding to provide full funding of the Supplemental Distribution. The current full allocation using the formula in section 218.65(8) to the supplemental distribution is in excess of \$2 million which should be appropriated from the amount deposited to the Local Government Half-Cent Sales Tax Clearing fund pursuant to section 212.20(5)(d)3. The Supplemental Distribution within the Local Government Half-cent Sales Tax revenue sharing program has been funded at \$592,958 in the annual GAA and has been at that level for decades, leaving a gap in excess of \$1.7 million. The amount funded results in 17 small counties that qualify for the Supplemental distribution having their projected allocation prorated down from the \$2,335,546 derived from the formula to the \$592,958 appropriated in the GAA. The proration results in the "loss" of \$1,742,589 of additional funding contemplated by the formula.

Local Government Financial Information Handbook 2021 - Pages 55 through 73 provide a description, summary and distribution charts for the Local Government Half-cent Sales Tax Program Sections 202.18(2)(c), 212.20(6), 218.60-.67, and 409.915, Florida Statutes

Authorized in 1982, the Local Government Half-cent Sales Tax Program generates the largest amount of revenue for local governments among the state-shared revenue sources currently authorized by the Legislature.¹ It distributes a portion of state sales tax revenue via three separate distributions to eligible county or municipal governments.

The program's primary purpose is to provide relief from ad valorem and utility taxes in addition to providing counties and municipalities with revenues for local programs. The program includes three distributions of state sales tax revenues collected pursuant to ch. 212, F.S.



- The ordinary distribution to eligible county and municipal governments is possible due to the transfer of 8.9744 percent of net sales tax proceeds to the Local Government Half-cent Sales Tax Clearing Trust Fund [hereinafter Trust Fund].²
- The emergency and supplemental distributions are possible due to the transfer of 0.0966 percent of net sales tax proceeds to the Trust Fund.³ The emergency and supplemental distributions are available to select counties that meet certain fiscal-related eligibility requirements or have an inmate population of greater than seven percent of the total county population, respectively.

A county government, which meets certain criteria, participates in the monthly emergency and supplemental distributions, and such qualification is determined annually at the start of the fiscal year.

- Participation in the emergency distribution is dependent on the existence of a defined fiscal emergency. The Legislature has declared that a fiscal emergency exists in any county that meets both conditions listed below.

1. The county has a population of 65,000 or less; and

2. The monies distributed to the county government pursuant to s. 218.62, F.S., for the prior fiscal year were less than the current per capita limitation, based on the county's population.

- Any county having an inmate population greater than seven percent of its total population is eligible for a supplemental distribution for that year from funds expressly appropriated by the Legislature for that purpose. Inmate population means the latest official state estimate of the number of inmates and patients residing in institutions operated by the federal government, the Florida Department of Corrections, or the Florida Department of Children and Families.
- At the beginning of each fiscal year, the DOR calculates a supplemental allocation for each eligible county equal to the current per capita limitation pursuant to s. 218.65(4), F.S., multiplied by the county's inmate population. If monies appropriated for the current year's distribution are less than the sum of the supplemental allocations, each eligible county receives a share of the appropriated total that is proportional to its supplemental allocation. Otherwise, each eligible county receives an amount equal to its supplemental allocation.

FISCAL IMPACT:

Distribution of Local Government Half-cent Sales Tax for the year ending Sept. 1, 2022

- Ordinary distribution - \$2,363,675,000 distributed to eligible counties and municipalities.
- Emergency Distribution - \$27,307,042 distributed to 20 eligible counties.



- Supplemental Distribution - \$592,958 distributed to 17 eligible counties. *,**.

*Full funding of the supplemental distribution according to the statutory formula would total \$2,335,547.

** In accordance with the statutes, the supplemental distribution allocation was decreased by \$1,742,589 through a proration to the amount appropriated in the GAA. (\$592,958)

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - The Committee recommended that FTA-PP-05 be incorporated into the FAC Guiding Principles. The proposed Guiding Principle will be incorporated as part of FTA-02
 - Previously FTA-PP-08
- Statutes:
 - [S. 212.20\(6\)\(d\)](#), F.S.
 - Provides for the allocation of 0.0966 percent of sales tax proceeds within participating half-cent sales tax counties into the Local Government Half-cent Sales Tax Clearing Trust Fund (hereinafter Trust Fund)
 - Funds are subsequently distributed according to s. 218.65, F.S.
 - [S. 218.65](#), F.S.
 - Subsection (2) provides for the emergency distribution of Trust Fund moneys to eligible counties that meet the following criteria:
 - The county has a population of 65,000 or less
 - Moneys distributed to the county pursuant to [s. 218.62](#), F.S. for the prior fiscal year were less than the current per capita limitation
 - Subsection (8) provides for the supplemental distribution of Trust Fund moneys for any county in which the inmate population is greater than 7 percent.
 - Both the distributions in subsection (2) and subsection (8) are subject to appropriation by the Legislature
 - At the beginning of each fiscal year, the Department of Revenue (DOR) calculates the supplemental and emergency allocations for all eligible counties, based on a statutory formula
 - If the statutory calculation is less than the amount appropriated by the legislature, the appropriation amount is prorated among the counties based on their proportional share of the allocations
- FY 2022-23 Budget Appropriations:
 - In the 2022 General Appropriations Act (GAA), specific appropriation 3103 designated \$592,958 for supplemental distribution from the Trust Fund



- The supplemental allocation as calculated by DOR for this fiscal year was \$2,335,547
 - Accordingly, 17 eligible counties had their allocations prorated—a collective “loss” of \$1,742,589
- FAC Guiding Principles
 - FTA 2:
 - The Florida Association of Counties supports policies that consider impacts to state revenues shared with counties for the provision of local services and is opposed to permanent modifications to state shared revenue sources or related funding formulas that would significantly impact the counties’ ability to continue to fund local services.

SUBMITTING COUNTY AND CONTACT: Bradford, Calhoun, Madison –Chris Dougherty, Scott Monlyn, and Ronnie Moore

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT:

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-06: PUBLIC RECORDS - REQUEST AGGREGATION

COMMITTEE RECOMMENDATION: ADOPT

PROPOSED POLICY: SUPPORT legislation clarifying the aggregation of serial public records requests and requiring requestors pay outstanding record request bills before any further requests be processed.

BACKGROUND: Charlotte County is seeking FAC's support for a bill amending s. 119.07 (4)(d) to add clarifying language to allow for the aggregation of serial public records requests and require requestors to pay outstanding record request bills before any further requests be processed.

Over the last couple of years, Charlotte County has seen an unprecedented rise in public records requests. The context of this influx appears to be attempts by requestors to constantly modify their requests to evade administrative charges. For example, a requestor will request emails from a specific time period.

Once a cost estimate is provided, the requestor will then break down the request by day to avoid fees, abusing administrative services.

These abuses must not be allowed to persist and strain administrative time and resources.

To reduce such abuses, our County acted and instituted a policy of *“aggregating multiple related requests made by one individual (or multiple individuals belonging to one group or organization) within a thirty (30) day time period for the purpose of calculating special services fees for extensive use of information technology or excessive staff time.”*

Our County is not the only entity in Florida with such a policy. In *Figure 1* is a list of different policies on Public Records Aggregation throughout the state^{1,2,3}.

City of Pensacola's Public Records Policy- (Escambia County)

All past due fees for records compiled for a previous request for the City's public records must be paid before complying with the requester's subsequent request(s).

Multiple requests by one individual may be considered as one request and extensive use charges may be applied after the first thirty (30) minutes of staff or resource time.

City of Deltona's Public Records Policy- (Volusia County)

If a requestor makes multiple related requests in an attempt to evade these rules, the multiple requests will be aggregated and costs will be calculated as one request as to time spent and costs calculated under these policies.

For any and all requestors that have requested records and have not paid in full for those records, the Clerk will not process another public records request until the outstanding balance is paid in full.

University of South Florida's Public Records Law Compliance and Records Confidentiality- (Hillsborough County)

The special service charge may be based on the aggregate amount of time expended by all personnel and use of information technology resources, whether in response to a single request or multiple requests received from the same Requestor within a one-month period of time.

Figure 1: List of different policies on Public Records Aggregation

¹1/10/2011 <https://www.cityofpensacola.com/DocumentCenter/View/1169/City-of-Pensacola-Public-Records-Policy?bidid=>

² <https://www.deltonafl.gov/city-clerk/pages/public-records-protocol>

³ 8/28/2017 <http://regulationspolicies.usf.edu/policies-and-procedures/pdfs/policy-0-106.pdf>



ANALYSIS: Charlotte County is concerned that these abusive requesters will be able to continue using these tactics to avoid charges and hamper administrative resources.

- Charlotte is requesting that FAC act to limit public record request abusers that seek to usurp standard cost charges and burden county administration services.

FISCAL IMPACT: The requested changes to public records laws are expected to yield an indeterminate reduction in the County’s overall cost of servicing these requests.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - FTA-PP-06 was recommended for adoption by the committee.
 - Previously FTA-PP-09
- Statutes:
 - [s. 119.07](#), F.S. *Inspection and copying of records; photographing public records; fees; exemptions.*
 - Subsection (4) establishes guidelines surrounding fees for public records requests
 - Current statute provides that public records be furnished on request “upon payment of the fee prescribed by law”
- Past FAC Statements & Guiding Principles
 - FTA-PP-14 (2021-22)
 - SUPPORT legislation clarifying the aggregation of serial public records requests and requiring requesters pay outstanding record request bills before any further requests be processed is allowable.
 - Guiding Principle FTA 10
 - The Florida Association of Counties supports policies that promote access to public records in a manner that is not frivolous; that upholds fiscal responsibility; that does not prevent the efficient and effective administration of local services; and allows for exemptions to protect the safety and security of individuals providing or receiving critical public services.

SUBMITTING COUNTY AND CONTACT: Charlotte –Cameron Pennant
cameron.pennant@charlottecountyfl.gov (941) 740-4893

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT:

UNFUNDED MANDATE: No



PROTECTIVE OF HOME RULE: N/A



FTA-PP-07: PACE PROGRAM ACCOUNTABILITY

COMMITTEE RECOMMENDATION: DEFER TO LEGISLATIVE CONFERENCE

PROPOSED POLICY: FAC **SUPPORTS** legislation that addresses problems and abuses within the state of Florida’s Property Assessed Clean Energy (PACE) program specifically, but not limited to requiring the PACE program to include greater consumer protections and awareness, and/or requiring financing be based on the ability to pay, reviewing and requiring program adjustments to prevent contractors from unjustly marking up prices of services and penalties for paying off loans early. Also, requiring the Florida Attorney General’s Office to begin reviewing and investigating PACE program contractor issues for potential fraud and abuse.

BACKGROUND: Charlotte County is seeking FAC’s support for a bill that addresses problems and abuses within the state of Florida’s PACE program.

“PACE was approved in 2010 by the state legislature. It lets people finance one hundred percent of the cost for energy saving renovations and pay for it later in their tax bill.”¹ Since the programs beginning there have been clear loopholes and issues within its operations that have allowed for complete fraud and abuse of people desperate for assistance.

ANALYSIS:

- Charlotte County is concerned that our county residents are not being treated appropriately and fairly by a program designed to advance their needs.

FISCAL IMPACT: The requested changes to the PACE program and the fiscal impact on the state is unknown at the moment.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - The Committee recommended to defer FTA-PP-07 for further discussion at Legislative Conference
 - Previously FTA-PP-10
- Statutes:
 - In [s. 163.08](#), F.S. - *Supplemental Authority for Improvements to Real Property*, the Legislature declares a “compelling state interest” in enabling property owners to voluntarily finance improved energy consumption and wind resistance related projects to their home. The Legislature further authorizes local governments to finance qualifying home improvements through financing agreements and the related imposition of voluntary assessments. This provides the framework for local governments to administer Property Assessed Clean Energy (PACE) programs at their discretion:

¹ <https://www.fox4now.com/news/local-news/pace-program-causes-issues-for-charlotte-county-homeowners>

- A PACE program provides up-front financing for qualifying energy consumption/wind resistance home improvement projects.
 - Administration of the program can be conducted directly by local governments, indirectly through private entities, or any combination thereof, at the discretion of local governments. Meanwhile the billing is ultimately conducted in the form of non-ad valorem assessments on the property owner's property tax bill.
 - The assessments carry fixed interest rates and are generally repaid over the useful life of the home improvements.
 - The eligibility criteria for many PACE loans focuses on the borrower's level of home equity and payment history. This leads PACE lenders to prioritize long-time homeowners and, accordingly, older homeowners, many of whom may live on a fixed income.
 - A priority lien is placed on the property, and the balance remains with the property even in the event that the original owner/borrower sells the property
 - Due to the priority lien, the PACE lender may have the right to foreclose on the subject property, potentially taking the borrower's house away
 - The priority status of the lien has been a source of conflict with traditional home financing instruments—banks and mortgage lenders are reluctant to approve a loan while the PACE lien supersedes their place as first lien holder. Meanwhile, Fannie Mae and Freddie Mac have expressly refused to back mortgages with remaining PACE assessments, unless first-lien status is given to the mortgage loan.
 - Before entering into a PACE financing agreement, a local government shall reasonably determine that the prospective borrower meets the following criteria:
 - No delinquent property taxes/assessments levied on the property tax bill for the prior three years
 - No existing involuntary liens, including, but not limited to, construction liens
 - No notices of default or other property-based debt delinquency for the prior three years
 - Is current on all mortgage debt on the property
 - Issues relating to consumer welfare have surrounded PACE programs since their inception:
 - Reports of indiscriminate lending practices, regardless of a borrower's capacity to repay the loan
 - Inadequate disclosures regarding the assessment procedure
- Bills:
 - HB 101 – *Improvements to Real Property* (2022) by Rep. Fine (Failed):
 - Would amend [s. 163.08](#), F.S. to include the following consumer protections relating to the PACE program:



- Requiring more rigorous determination that a property owner is able to pay the assessment
 - Allowing property owners to cancel the financial agreement within three days of execution
 - Ensuring that the length of the assessment repayments not exceed the life of the qualifying improvements
 - Requiring that the property owner be presented with a comprehensive disclosure of the agreement's key terms, that must be individually acknowledged before final execution of the agreement
 - Requiring proper licensure and background screening of all contractors affiliated with PACE programs
 - Requiring verification by the local government that the improvements meet local building codes, before disbursement of funds
 - Imposing certain marketing and communication standards on PACE lenders and affiliates, including certain restrictions on solicitation and other inducements
- U.S. Department of Energy Guidance:
 - The U.S. Department of Energy released Best Practice Guidelines for Residential PACE Financing Programs. The guidelines include provisions on:
 - More rigorous financial eligibility criteria and review of homeowner income, property-based debt, and other related obligations
 - Establishing stronger consumer and lender protections
 - Developing and requiring more effective disclosures and procedural education for prospective borrowers
 - A right to cancel the purchase of PACE-related improvements
 - Non-acceleration in the event that a property owner defaults on a PACE assessment
 - Identifying and addressing the vulnerabilities of low-income, fixed-income, and elderly homeowners
 - The full guidelines can be found [here](#).

SUBMITTING COUNTY AND CONTACT: Charlotte –Cameron Pennant
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ASSIGNED COMMITTEE: FTA

BOARD SUPPORT:

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: POTENTIALLY NO



FTA-PP-08: TOURIST DEVELOPMENT TAX FOR ECONOMIC DEVELOPMENT

COMMITTEE RECOMMENDATION: DEFER TO LEGISLATIVE CONFERENCE

PROPOSED POLICY: SUPPORT expanding the authorized uses of Tourist Development Tax by the Florida Legislature to include economic development programs for expanding high-wage business jobs in **fiscally constrained** counties.

BACKGROUND: The 21st century is ushering in what some are calling the “fourth industrial revolution.” Driven by technology, industrial sectors which embrace technology will grow and expand. Creating a 21st century economic development infrastructure will be necessary in order for communities to meet the needs of most existing primary enterprises, but also to attract new companies to the area. Doing so is very expensive.

Many rural Florida communities have lagged behind their counterparts in the southern United States in creating comprehensive economic development programs. One of the principal reasons is the absence of a consistent means to fund the program.

A possible source of funding the help pay for the costs of creating a 21st century economic development infrastructure is the hotel “Bed Tax” currently levied by most counties in Florida since a majority of hotel occupancy in the state is by commercial traveler.

The authorized uses of the “Bed Tax” should be expanded by the Florida Legislature to include economic development programs which are for expanding high-wage business jobs in **fiscally constrained** counties in the State of Florida.

In 1977, the local option tourist development tax (F.S. 125.0104), also known as the “bed tax,” was enacted which enabled a county at its option to levy a tax on hotel room revenues to generate funds to promote tourism in its county. At the time the bed tax was first created in 1977, “tourism” was touted as the most important industry in the state of Florida. However, in 1977 manufacturing was the most important contributory industry in the state.

In 2019, the “retirement industry” was the largest importer of wealth to the state followed closely by manufacturing. Several other industrial sectors, such as finance and insurance, and corporate headquarters have a greater impact than tourism in Florida.

In most of the counties examined, the commercial traveler accounted for a majority of hotel occupancy. Only in orange and Osceola counties could tourism be considered the most dominant industry. The analysis of the thirteen counties demonstrates that recreational tourists account for less than half of the revenues created by the bed tax in most counties, yet 100% of the revenues are directed to maintaining or expanding the recreational tourist sector. In a vast majority of counties in Florida, tourism accounts for less than 35% of hotel occupancy. In a vast majority of counties in



Florida, tourism accounts for less than 35% of hotel occupancy. Among the thirteen counties in 2018, \$771 million was collected by local governments to promote the formation of low-wage service and retail jobs associated with recreational tourism. Since a large portion of hotel occupancy is the business traveler who is visiting a business in the area and since economic development jobs pay a much higher wage than a recreational tourist job, it is appropriate to use some of the bed tax money to fund the economic development program.

The authorized uses of the “bed tax” should be expanded by the Florida legislature to include economic development programs which are for expanding high-wage business jobs in Florida. The following are two suggested uses.

1. The acquisition, development, and marketing of community owned industrial real estate which is reserved for the use of primary businesses and/or specific infrastructure improvements such as broadband, which enable the expansion or recruitment of primary enterprises.
2. The operating costs of the economic development organization which is recognized as the county contact organization by the Florida department of economic opportunity.

ANALYSIS: See linked document - [Case for Using “Bed-Tax” Money for Economic Development in Florida](#) by William H. Fruth.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - The Committee recommended to defer FTA-PP-08 for further discussion at Legislative Conference
 - Previously FTA-PP-11
- Statutes:
 - [s. 125.0104](#), F.S. - *Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.*
 - The tax is levied based on hotel/short-term occupancy—1 percent or 2 percent, as decided by the governing body of the county, of the consideration charged for lease or rental of a short-term accommodation
 - Subsection (5) provides the authorized uses of revenue from the tourist development tax:
 - Construction, acquisition, maintenance, operation, or promotion of the following publicly owned and operated facilities within the county:
 - Convention centers
 - Sports stadiums or arenas
 - Auditoriums
 - Aquariums (may be operated by a not-for-profit organization)
 - Museums (may be operated by a not-for-profit organization)
 - Zoological parks (may be operated by a not-for-profit organization)
 - To promote and advertise tourism in this state nationally and internationally



- To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the local chamber of commerce or comparable organization
- To finance maintenance, restoration, enhancement, or cleanup of beaches, beach parks, inland lakes and rivers
- Construction, acquisition, maintenance, operation, or promotion of additional public facilities as recommended by a local tourist development council

SUBMITTING COUNTY AND CONTACT: Okeechobee – Terry Burroughs
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ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FINANCE, TAX & ADMINISTRATION

Taxation and Funding of Local Government

County governments have the responsibility to provide not only core public services, but also to provide the infrastructure and services that form the foundation of local and state economies. Adequate revenue must be raised to fund these local needs, while also providing for services and programs that are mandated by the state. 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. The mechanisms for financing county services should be able to adapt to emerging technology, changing economic circumstances, and should be structured to address the ever-increasing demands on county government service delivery.

- FTA 1. The Florida Association of Counties is dedicated to protecting the integrity, functionality and fairness of local ad valorem taxing authority, as well as that of the other locally available revenue sources.
- FTA 2. The Florida Association of Counties supports policies that consider impacts to state revenues shared with counties for the provision of local services and is opposed to permanent modifications to state shared revenue sources or related funding formulas that would significantly impact the counties' ability to continue to fund local services. The Florida Association of Counties supports full formula funding for state shared revenue while opposing any changes to revenue sharing programs that make any county worse off.
- FTA 3. The Florida Association of Counties supports tax reform measures that simplify administration and provide an economic boost to Florida's taxpayers while at the same time considering and minimizing the collective and cumulative negative impact on local revenues, including state shared and local discretionary revenue sources that are critical to local governments.
- FTA 4. The Florida Association of Counties supports measures that enhance the effectiveness of existing local revenue sources to meet current and future public service demands.
- FTA 5. The Florida Association of Counties supports the comprehensive Payment In Lieu of Taxes programs that offset the impact of lands acquired by Federal, State, or other tax-exempt entities. PILT programs should be funded in a fashion, so as not to diminish the fiscal capacity of small counties. Additionally, the Florida Association of Counties supports the adjustment of PILT payments to accommodate the increased value and/or the valued use of the property by the purchasing entity.



Administration

The power to administer county government can be found in the State Constitution and the Florida Statutes. However, the system of shared governance between the state and counties, and its political subdivisions, is critical to the successful administration of local services in the most efficient and effective manner. Decisions regarding statewide administrative policy must accurately reflect the ability of the state and counties to utilize resources in an optimal manner to provide and produce essential public services.

FTA 6. The Florida Association of Counties supports those policies related to retirement, workers' compensation and other administrative systems be based on sound and accurate data analyzed with consideration for state and local fiscal impact, fairness and accessibility for state and local employees, as well as, predictability and stability relative to market forces for the long-term effective management of state and local financial plans.

FTA 7. The Florida Association of Counties supports policies that enable local governments to comply with public notice and legal advertisements requirements through the application of various available mediums of technology to achieve an ideal balance between fiscal efficiency and public effectiveness.

FTA 8. The Florida Association of Counties supports policies which allow for competitive and efficient procurement procedures to streamline the development process for county projects.

Accountability and Transparency

The foundation of a strong democracy is a public that is educated and informed about the decisions of its government. Accessible and accountable county governments are more responsive to the needs of their citizens and result in more engaged and satisfied constituents. Counties work to uphold the trust of their voters and taxpayers by maintaining open and accessible meetings and records; providing timely, informative, and accurate public information; and adhering to the highest standards of administrative and fiscal transparency.

FTA 9. The Florida Association of Counties supports policies that promote ethical standards for public officials that are fiscally reasonable, consistent throughout all levels of government, and that do not inhibit the efficient and effective administration of local services

FTA 10. The Florida Association of Counties supports policies that promote access to public records in a manner that is not frivolous; that upholds fiscal responsibility; that does not prevent the efficient and effective administration of local services; and allows for exemptions to protect the safety and security of individuals providing or receiving critical public services.



FTA 11. The Florida Association of Counties supports policies that promote the provision of accurate and accessible administrative and fiscal public information in a manner that is fiscally responsible, publicly comprehensible, technologically efficient, and that does not constrain the effective administration of local services.

FTA 12. The Florida Association of Counties is dedicated to preserving, when at all possible, the link between the programs and services provided by counties with the decisions related to the funding for these programs and services, in an effort to maximize the manner and source of accountability of public officials to the citizenry.

Intergovernmental Relations

Florida's elected county commissioners are ultimately answerable to their voters for the provision of programs and services and associated funding decisions. Since Florida's citizens conferred home rule power to counties with the ratification of the 1968 Constitution. County officials have been 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. County governments reflect the communities that they serve and, particularly in a state as large and diverse as Florida, the needs and values of these communities vary widely between counties.

FTA 13. The Florida Association of Counties is dedicated to maintaining the integrity of county home rule power which allows counties to develop and implement community-based solutions to local problems, without State limitations or mandates.

FTA 14. The Florida Association of Counties opposes any state or federal unfunded mandates and preemptions that ultimately limit the ability of local elected officials to make fiscal and public policy decisions for the citizens to whom they are accountable.

FTA 15. The Florida Association of 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.

FTA 16. The Florida Association of Counties recognizes that the statewide regulation of certain sectors may not be inconsistent with the principles of self-governance, to the extent that the state regulations do not hamper the counties' ability to regulate and control county facilities and to maintain minimal safety, aesthetic, and environmental standards.

FTA 17. The Florida Association of Counties opposes the dilution of decision-making ability of local county commissioners/councilmembers with regard to the funding of the local duties of other constitutionally proscribed county officers.



FTA 18. The Florida Association of Counties supports the provision of adequate state funding for constitutionally proscribed county officers that are required to perform duties on behalf of the state.

FTA 19. The Florida Association of Counties opposes the use of local revenue sources to fund the state's judicial responsibilities.

Broadband

ACCESS 67 is an initiative of the Florida Association of Counties (FAC) to implement a comprehensive approach to empowering our members to develop solutions to address the impacts of the lack of ACCESS to critical telecommunication and information technology resources in Florida communities. FAC recognizes that this lack of ACCESS impacts small, medium and large counties, as well as, Florida's rural and urban communities. Additionally, the lack of ACCESS impacts multiple policy areas that FAC's members are responsible for in the governance of their local communities to include, but are not limited to, public safety, healthcare, economic development and education.

FTA 20. The Florida Association of Counties support increased efforts to promote access to broadband, including competition and innovation in the marketplace, as well as provide resources to support accessibility, speed, and affordability of broadband in Florida.

FTA 21. The Florida Association of Counties support improving service mapping accurately by requiring more granular data from service providers, allowing crowd sourced data to be used to inform the map, and creating an appeal process to challenge demonstrable inaccuracies.