



Health, Safety & Justice Committee

Agenda

- I. Call to Order
- II. Opening Remarks
- III. Sponsor Recognition and Remarks
- IV. Meeting Overview
- V. Meeting Process
- VI. Consent Agenda
 - a. Adoption of the following items
 - i. HSJ-PP-04: Department of Corrections Funding
 - ii. HSJ-PP-05: Emergency Briefings Public Meeting Exemption
 - b. NOT Adopt the following items
 - i. HSJ-PP-01: Registered Sexual Offender – Minimum Distance
 - c. Guiding Principles
- VII. Additional Action Items:
 - i. HSJ-PP-02: Pretrial Detention Cap for Felony Charges
 - ii. HSJ-PP-03: Extreme Heat and Heat Illness Prevention
 - iii. HSJ-PP-06: Firefighters Cancer Presumption
- VIII. Additional Item – Emergency Management Related Policy Proposals
- IX. Guest Speaker: Kevin Guthrie, Director, Division of Emergency Management
- X. Other Business



XI. Adjournment



HSJ-PP-01: REGISTERED SEXUAL OFFENDER—MINIMUM DISTANCE

COMMITTEE RECOMMENDATION: NOT ADOPT

PROPOSED POLICY: SUPPORT modification of state statutes to require people who are listed on the sex offender registry to live at least 2,500ft away from a public or private school or childcare facility, park, playground or where children congregate.

BACKGROUND: Current state law requires a child sexual predator/offender to reside at least 1,000 ft from a school, childcare facility, park, playground, or other place where children congregate. There are over 16 counties within the state of Florida that require a sexual child predator/offender to reside at least 2,500ft from a school, childcare facility, park, playground, or other place where children congregate. We would like to see a change in State law moving from the 1,000ft requirement to a 2,500ft requirement. This would require people who are required to be on the sex offender registry to live at least 2,500ft away from a public or private school or childcare facility, park, playground or where children congregate.

Currently southeast Florida Counties, spanning from Miami-Dade to Indian River all have ordinances that require any sexual offender or sexual predator to reside at least 2,500 ft from a public or private school or childcare facility, park, playground or where children congregate. Miami-Dade County has gone through two lawsuits regarding this ordinance and the United States District Court for the Southern District ruled in favor of Miami-Dade County citing that their housing restriction on Sexual Predators/Offenders was within the County's jurisdiction to act on.

ANALYSIS: Martin County recently passed an ordinance which aligns with the request of changing state law to prohibit a sexual predator/offender to reside within 2,500 ft of a public or private school or childcare facility, park, playground or where children congregate. Extending the distance from 1000 ft to 2500 ft protects and benefits the quality of life of children throughout this state. The change would also limit these offenders from migrating into communities that have a more lenient restriction on sexual predators/offenders, which exposes children to potential unnecessary risk. Having all 67 counties in congruence would allow for a straightforward and streamlined process when these individuals are searching for residency.

FISCAL IMPACT: N/A

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - HSJ-PP-01 was recommended not to be adopted by the committee.



Statutes:

- [s. 775.215 \(2a\), F.S.](#) Residency restriction for persons convicted of certain sex offenses.
- [s. 948.30 \(b\), F.S.](#) Additional terms and conditions of probation or community control for certain sex offenses.

Under Florida law, there are two separate designations for those convicted of crimes mandating sex offender registration: sexual predators and sexual offenders. This proposal specifically addresses both. New legislation would amend **s. 775.215 2(a), F.S.** by increasing the distance between a residency and a school, childcare facility, park, playground, or other place where children congregate from 1,000ft to 2,500ft for sexual offenders and predators.

Florida law for sex offenders (FAQ FDLE Website:

<https://offender.fdle.state.fl.us/offender/sops/fag.jsf#:~:text=Several%20criteria%20are%20specified%20including,the%20offender's%20record%20requiring%20registration>)

- Sexual offenders are currently prohibited from living within 1,000 feet of a school, child care facility, park or playground.
- Sexual offenders must update their registration within 48 hours of a change of address
- Sexual offenders must complete registration forms with their local sheriff's office up to four times a year
- Juvenile sexual offenders have to register if they've been convicted as an adult for a qualifying sexual offense and meets the criteria in Florida state law to register as an adult sexual offender or predator or was adjudicated delinquent on or after July 1, 2007 for a qualifying sexual offense in Florida or a similar offense in another jurisdiction when he or she was 14 years of age or older at the time of the offense

This proposal seeks to create a more uniform process for all 67 counties to deter offenders who seek residence in counties with more "lenient" policies, such as the 1000 ft. limit. It mandates all counties to adopt the 2,500 extended residential boundary for sexual offenders/predators.

Martin County's recently passed legislation only applied to future residents, not retroactively applying to their county. Therefore, current residents who are/were offenders/predators were not kicked out of their homes if they lived within the 2,500 feet boundaries. Several lawsuits have resulted from the implementation of these policies. For example, offenders in Miami Dade have claimed that the change in county rules adds an additional punishment to their original criminal sentence, displacing them and making it difficult for them to establish any form of residency. (<https://www.themarshallproject.org/2018/10/03/banished>)

Additionally, some policy makers and researchers have argued that these policies displace sexual predators/offenders to the point where law enforcement does not know where they are, therefore making society less safe. This is specifically an issue for more densely populated areas and counties, in which the policy further limits residency for offenders:



The following paper explores the unintended implications of Sex Offender Residence Restrictions:

[*Where for Art Thou? Transient Sex Offenders and Residence Restrictions*](#) by Jill Levenson, Alissa R. Ackerman, Kelly M. Socia and Andrew J. Harris

“These well-intended laws appear to create unintended consequences including transience, homelessness, and housing instability—outcomes that may carry significant public safety implications.”

“The proliferation of residence restrictions prohibiting sex offenders from living within close proximity to places where children congregate has resulted in limited housing options in many metropolitan areas.”

“Too abundant to count are local Sex Offender Residence Restrictions (SORR) ordinances passed by cities, towns, and counties. The first municipal sex offender ordinance in the United States was passed in Miami Beach in June 2005, modeled after zoning regulations that prohibit adult establishments (e.g., strip clubs and adult bookstores) from operating within a certain distance from schools...SORR laws are based on the seemingly logical premise that by requiring child molesters to live far from places where children congregate, repeat sex crimes can be prevented. The limited existing research, however, finds no support for the hypothesis that sex offenders who live closer to child-oriented settings are more likely to reoffend (Zandbergen, Levenson, & Hart, 2010).”

“A quickly growing body of evidence illustrates how SORR laws can profoundly diminish housing options for sex offenders. In Orlando, Florida, it was found that 99% of all residential dwellings are located within 2,500 feet of schools, parks, day care centers, or school bus stops (Zandbergen & Hart, 2006).”

- No bills have been filed/failed within the past couple of years to change this specific statute.

Past FAC Statements:

- FAC does not currently have a guiding principle pertaining to sexual offenders or the prevention of sexual offenses. FAC has not taken any official position regarding this issue.

SUBMITTING COUNTY AND CONTACT: Martin – James Kennedy (772) 209-2836

jkennedy@martin.fl.us



ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT:

UNFUNDED MANDATE: YES

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-02: PRETRIAL DETENTION CAP FOR FELONY CHARGES

COMMITTEE RECOMMENDATION: DEFER TO LEGISLATIVE CONFERENCE

PROPOSED POLICY: SUPPORT a statutory change to place a cap on the amount of time that pretrial felony offenders may be housed in county detention facilities

BACKGROUND: The number of inmates detained in county jails on felony offenses has increased over the past several years. For a variety of reasons, pretrial felony offenders occupy detention facility space for longer periods of time than lower-level misdemeanor offenders. As a result, more inmates are detained for longer periods of time in county jails, as opposed to state prisons, leaving fewer beds available in county jails to accommodate new offenders. This places additional pressure on counties to fund costly jail construction and expansion projects, straining counties limited fiscal resources. This policy proposal seeks a statutory change that would place a cap on the amount of time that pretrial felony offenders may be housed in county detention facilities.

Over the past four years, the Leon County Sheriff's Office (LCSO) has reported a 92% increase in the Average Length of Stay (ALOS) for a person detained in the Leon County Detention Facility, from an average of 137 days in 2019 to 263 days in 2022. Some felony offenders have been housed in the Leon County Detention Facility for several years while their cases are processed through the court system. This increase in the ALOS is due primarily to (1) an increase in the number of persons detained who are charged with felony offenses; (2) a decrease in the court clearance rate resulting from the effects of the COVID-19 pandemic on court operations; and (3) felony offenders lower likelihood of eligibility to be released on bond or to participate in jail alternative programs. As a result of this increase in the ALOS for county jail inmates, fewer beds are available to accommodate new offenders, placing pressure on counties to expand or build new jail facilities.

ANALYSIS: In recent years, the Florida Legislature has considered bills (e.g., SB 484 during the 2018 Legislative Session) that would authorize courts to sentence felony offenders to imprisonment in county jails for up to 24 months in certain circumstances. Legislation such as this, if enacted, would further strain the ability of county jails to meet the correctional needs of their communities.

A significant portion of Florida county jails inmate populations is comprised of felony offenders, and many of these inmates have been housed at a county jail for a prolonged period of time while awaiting sentencing. The number of inmates detained on felony offenses has increased over the past several years, while during the same period, court clearance rates have not always kept pace with detention facilities incoming caseloads. As a result, more inmates have remained detained for longer periods of time in county jails, leaving fewer beds available to accommodate new offenders.



Almost all criminal offenses in Florida are divided by severity into two categories: misdemeanors and felonies. Misdemeanor offenses are less serious than felonies and can be punishable by a term of incarceration in a county jail for not more than a year. Felonies are crimes that are more serious and are punishable by imprisonment in a state correctional facility, or state prison, for more than one year. Sec. 904.04(1), F.S. generally requires that most persons who are arrested are delivered immediately into the custody of the sheriff of the county in which the indictment, information, or affidavit is filed, meaning in practice that offenders are generally housed at a county jail upon arrest. Until an inmate is convicted and sentenced to a term of imprisonment of at least one year, however, he or she generally remains in the custody of the county sheriff, unless the inmate is eligible for release from incarceration through one of several jail alternative programs (although for various reasons, many felony offenders are not eligible to do so). As provided in Sec. 944.17(3)(a), specifically, only those persons who are convicted and sentenced in circuit court to a cumulative sentence of incarceration for 1 year or more, whether sentence is imposed in the same or separate circuits, may be received by the [Florida Department of Corrections] into the state correctional system.

There is an important distinction between the roles of county jails and state prisons with respect to the housing of felony offenders. In short, jails are designed to hold lower-level offenders for shorter periods of time, while the role of prison facilities is more focused on long-term housing and rehabilitation of more serious and often violent offenders. As described in greater detail in a 2010 report published by the National Association of Counties titled *State Prisoners in County Jails*.

Prisoners are meant to be long-term residents. Conversely, a jail's original purpose is to receive and hold individuals pending trial, conviction, or sentencing at the county level. They hold those who are awaiting pick-up from other sources (i.e., parole violators to be picked up by the state, mentally ill waiting to move to health facilities, etc.). They provide protective custody for those in contempt of court and for court witnesses. They are final points for inmates sentenced to short terms (less than one year), and jails provide temporary housing for state prisoners when state facilities are overcrowded.

The main difference is that prisons are for long-term incarceration and generally operated by the state; jails are for short-term holdings and operated at the county level. But as the inmate population has soared in recent years the function of the jail is rapidly changing. One, jails are now near, at, or over-capacity. Two, jails have had to fulfill the role of the state prison in rehabilitative methods. More and more jails are providing vocation and educational programming, psychiatric treatment, community programs, drug treatment, and alternative methods of sentencing.

As discussed earlier in this policy proposal, the average length of stay for a person detained in the Leon County Detention Facility has increased from 137 days in 2019 to 264 days as of March 2022. This increase is due in large part to the number of inmates currently housed in the Detention Facility charged with serious offenses, coupled with a lower clearance rate for criminal cases over the past two years which occurred in large part due to the COVID-19 pandemic, creating a backlog for the disposition of inmates' cases by the Circuit Court. In addition, the State Attorney and defense counsel must work together in negotiating plea



agreement to dispose of cases. On average, court records indicate that approximately 11 continuances are granted for each offender.

Under Florida law, counties are responsible for the maintenance and operation of county jails. However, the state's circuit courts, state attorneys, and public defenders, which are entities of the state's judicial branch of government, are solely responsible for the processing and disposition of felony criminal cases. As such, the length of time that felony offenders remain detained in county facilities before they are tried and sentenced depends exclusively on how quickly these offenders' cases are processed through the court system. Although these offenders are housed in county facilities before trial, county governments have comparatively little influence with respect to how many offenders will be housed in their jail, how long those offenders will be detained there, or how quickly their case can be brought to trial.

As discussed above, state prison facilities, rather than county jails, are best positioned to provide the infrastructure and services required to successfully rehabilitate felony offenders. However, nearly 300 inmates in the Leon County Detention Facility have been incarcerated for over one year awaiting trial or sentencing. As such, it may be appropriate to pursue a state legislative policy change, in partnership with various criminal justice partners including sheriffs, state attorneys, public defenders, and courts, that would place a limit on the amount of time that a person charged with a felony offense and awaiting sentencing can be detained in a county jail, after which time the state must receive that person in the state correctional system.

FISCAL IMPACT: If successful, the statutory change recommended in this policy proposal would reduce inmate populations in county jails statewide, reduce counties' financial obligations to support pretrial inmates' medical expenses that are not covered by Medicaid, and reduce sheriffs' operating costs relative to their detention facilities.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - HSJ-PP-02 was recommended to be amended prior to the Legislative Conference.
 - FAC staff is going to meet with sheriff's offices, state attorneys' offices, and additional parties to address additional costs/concerns of proposal.
- **Statutes**
 - [s. 921. 188, F.S.](#) *Placement of certain state inmates in local detention facilities.*
 - [s. 951. 23, F.S.](#) *County and municipal detention facilities; definitions; administration; standards and requirements*
 - [s. 944. 17, F.S.](#) *Commitments and classification; transfers*
 - [Florida Rules of Criminal Procedure RULE 3.191. SPEEDY TRIAL](#) (Page 107)
- **Bills**
 - 2020
 - [HB 1017 – Criminal Justice](#) by Rep. Bush – Failed

- The bill revises provisions for administration of DOC; limits monetary bail to violent felony offenses; modification of sentence on ground that sentence is greater than necessary to achieve purposes of sentencing; creates Florida Innocence Inquiry Commission; requires DOC to provide certain staff with deescalation training & training in responding to incidents involving individuals who have mental illness or cognitive deficits; requires DOC to place prisoners as close as practicable to prisoner's primary residence; requires DOC to submit report concerning availability of & capacity of DOC to treat heroin & opioid abuse through evidence-based programs; requires DJJ to undertake certain pilot programs.
- 2018
 - [SB 484- Criminal Justice](#) by Sen. Bradley – Failed
 - The bill authorized a court to sentence offenders to a county jail for up to 24 months under certain circumstances for offenses committed after a specified date. It authorized the department to extend the limits of confinement to allow an inmate to participate in supervised community release, subject to certain requirements, as prescribed by the department by rule. Additionally, it authorized each county to create a supervised bond release program; It required each county that establishes a supervised bond program to submit a report annually by a certain date to the Office of Program Policy Analysis and Government Accountability (OPPAGA).

Guiding Principles

- **Detention related:**
 - HSJ 35. The Florida Association of Counties supports funding for capital improvements to county courthouses and other court-related facilities, including jails.
 - HSJ 50. The Florida Association of Counties supports policies that ensure that adequate safety, supervision, and facility maintenance is provided at juvenile residential assessment centers and secure detention facilities.
 - HSJ 46. The Florida Association of Counties supports policies that reduce county jail expenses, including juvenile and adult diversion programs.
- **Trial related:**
 - HSJ 43. The Florida Association of Counties supports policies preserving counties' ability to provide risk assessment pretrial release services that prevent new offenses and ensures appearance as obligated.
 - HSJ 45. The Florida Association of Counties opposes policies that restrict pretrial services to only indigent defendants

Past FAC Statements: There are no past proposals pertaining to Pretrial Detention Caps for Felony Charges.



SUBMITTING COUNTY AND CONTACT: Leon – Andy Johnson
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ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: Yes

UNFUNDED MANDATE:

PROTECTIVE OF HOME RULE:



HSJ-PP-03: EXTREME HEAT AND HEAT ILLNESS PREVENTION (REVISED)

COMMITTEE RECOMMENDATION: DEFER TO LEGISLATIVE CONFERENCE

PROPOSED POLICY: SUPPORT State funding for the scientific research necessary for evidence-based policy decisions related to heat illness prevention policies; **SUPPORT** the establishment of state policies that encourage the Florida Department of Health to work with local health departments, healthcare professionals and industry leaders to strengthen the public health infrastructure to ensure that the health effects of extreme heat can be anticipated and responded to more efficiently; and **SUPPORT** the establishment of state policies encouraging health professionals to identify and counsel patients most at risk for extreme heat-related illness to be counseled about heat illness prevention strategies.

BACKGROUND:

Desired policy change would be for the State of Florida to acknowledge the mounting scientific research and data pertaining to the public health crisis posed by extreme heat and enact evidenced based policies related to extreme heat. Mandate State health departments to work with local health departments, healthcare professionals and industry leaders to strengthen the public health infrastructure to ensure that the health effects of extreme heat can be anticipated and responded to more efficiently.

Florida Senate Bill 732-Heat Illness Prevention (2022, Senator Rodriguez-Co=Sponsors Torres, Todeo & Ausley (Died in Health Policy Committee 3/22)

<https://www.washingtonpost.com/climate-environment/2022/08/09/climate-change-heat-workers/>

ANALYSIS: Extreme Heat is not only a public health crisis, but it impacts all pillars of Florida's economy including but not limited to Agriculture and Tourism. Extreme Heat has a direct impact on Florida's Ports, Rivers, Highways and Railways, all vital arteries for the transport of commodities and industrial goods. In addition, extreme heat is putting pressure on Florida's already strained water supply and power Infrastructure.

FISCAL IMPACT: The economic impact of extreme heat illnesses on vital industries in Florida through workman's compensation increases, lost time on the job/productivity and high turnover in industries when labor shortages are already at an all-time high. Due to the population who are at highest risk for Extreme Heat Illness or Death, our elderly, those with pre-existing health conditions, such as high blood pressure or asthma and those that labor in a hot environment,



statistics are incomplete as many extreme heat-related illness or deaths are underreported or not reported as such.

FAC STAFF NOTES:

- FAC 2022 Policy Conference:
 - HSJ-PP-03 was recommended to be amended and deferred to legislative conference.
 - Proposing counties are working on providing more research and background for this proposal prior to the legislative conference.
- Issue:
 - Each year, more than 600 Americans die from hyperthermia, one of the nation's deadliest weather-related health outcomes. Agriculture workers die from heat-related illness at a rate 20 times greater than the general U.S. workforce. ([FDACS Website](#))
- Federal standards for extreme heat are underway but will be delayed due to time constraints in rule making:
 - "The Biden administration is moving to protect workers from heat and has directed the Occupational Safety and Health Administration, part of the Labor Department, to issue a new rule. But it takes the agency an average of seven years to write new safety standards...A heat illness prevention bill has failed three times...in recent years." (<https://www.washingtonpost.com/climate-environment/2022/08/09/climate-change-heat-workers/>)

Statutes

- [s. 448.111, F.S.](#) — *Evidentiary standards for actions of a business during an emergency*
 - This proposal seeks to support policies that address the public health emergency of extreme heat

Fiscal Impact:

- This proposal would mandate specific businesses/employers (Including, but not limited to, agriculture, construction, and landscaping) to implement and abide by specific requirements and procedures to protect the health of their workers dependent on the climate/environment they are in
- Employers would bear the cost of providing these heat illness prevention measures such as water and shade, as well as potential lost productivity and profit. ([Staff Analysis of SB 732- Heat Illness Prevention](#))

Bills

- **2022: [SB 732](#) - Heat Illness Prevention by Sen. Rodriguez (A) - Failed**
 - Provides responsibilities for certain employees and employers relating to heat illness prevention at work. These employers include industries where employees regularly perform work in an outdoor environment, including, but not limited to,



agriculture, construction, and landscaping.; providing an exception; requiring employers to provide annual training for employees and supervisors; requiring the Department of Agriculture and Consumer Services, in conjunction with the Department of Health, to adopt specified rules, etc. Effective Date: 10/1/2022

- **2020: [SB 882](#) - Heat Illness Prevention by Sen. Torres Jr. – Failed**
 - The bill provides responsibilities of certain employers and employees; requiring certain employers to provide annual training for employees and supervisors; requiring the Department of Agriculture and Consumer Services, in conjunction with the Department of Health, to adopt specified rules, etc.

- **2019 – [HB 1285/ SB 1538](#) – Heat Illness Prevention by Rep Smith (C.) and Sen. Torres Jr. - Failed**
 - The bill provides responsibilities of certain employers and employees and requires the Department of Agriculture and Consumer Services to adopt rules

- Past FAC statements — N/A
- FAC does not have any established Guiding Principles in support of this proposal.

SUBMITTING COUNTY AND CONTACT: Pinellas – Janet Long
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ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: No position

UNFUNDED MANDATE: Yes

PROTECTIVE OF HOME RULE: NO



HSJ-PP-04: DEPARTMENT OF CORRECTIONS FUNDING

COMMITTEE RECOMMENDATION: INCORPORATE IN GUIDING PRINCIPLES

RECOMMENDED GUIDING PRINCIPLE: HSJ 53 - The Florida Association of Counties SUPPORTS increased state funding for the state corrections system to address compensation, retention, and recruitment of state correctional staff. As the state reviews the current prison system, the Florida Association of Counties SUPPORTS monitoring DOC review of state-operated facilities with particular focus on any recommendations that may impact local community employment and revenue sharing, as well as other local impacts and SUPPORTS minimizing any affects to local employment and revenue sharing resulting from DOC reviews.

PROPOSED POLICY: SUPPORT **funding** increase to address compensation for Correctional staff and enhance **funding** to support recruitment and retention issues.

SUPPORT protecting counties with prisons from major impacts from changes resulting from state reviews.

Monitor DOC review of state-operated facilities with particular focus on any recommendations that may impact local community employment and revenue sharing, as well as other local impacts.

BACKGROUND: The Florida Legislature allocated \$5,000,000 to hire a consulting firm, in consultation with the Department of Corrections, to conduct a review of state-operated correctional institutions, as defined in section 944.02, Florida Statutes, and develop a multi-year master plan that addresses the repair, maintenance, or replacement. The master plan must identify appropriate specifications necessary for safe, secure, cost effective and efficient correctional institutions, including facilities for inmate health care, substance abuse and mental health treatment, other special needs, and education, consistent with appropriate correctional standards. The master plan must include a comprehensive review of the physical plant needs of the department using those specifications, including associated staffing needs, and must prioritize identified facility needs, based on the immediacy of the issues.

The master plan must identify:

1. Each institution, by facility type, capacity, age of facilities, staffing needs, and historical officer vacancy rates;
2. Each institution's location and proximity to others within the geographic region;
3. The local labor pool and availability of workforce for staffing each institution;
4. Estimated costs for the continued ongoing maintenance and upkeep needs of each institution; and
5. A prioritized list of potential locations in the state for new prison construction, with estimated costs. The location recommendations must focus on areas of the state with a



population level that will provide a sufficient labor pool for staffing a correctional institution.

Beginning February 1, 2023, and quarterly thereafter, the consultant shall simultaneously provide status reports to the Governor, President of the Senate, and Speaker of the House of Representatives. Each status report must include progress made to date detailing updates to the master plan and anticipated completion date. The final report shall be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives by January 3, 2024.

ANALYSIS AND FISCAL IMPACT: Costs will include responses to the master plan that addresses the repair, maintenance, or replacement of state operated institutions in the prison system.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - HSJ-PP-04 was recommended to incorporate into guiding principles, creating GP HSJ 53.

HB 5001 Proviso: DEPARTMENT OF CORRECTIONS FACILITIES MASTER PLAN:

https://www.flsenate.gov/PublishedContent/Session/2022/Conference/6/ConferenceOffer/AEG-SAT%20Senate%20Offer%201%20-%20Budget,%20Proviso,%20Back%20of%20Bill_877.pdf

The Florida Department of Corrections currently employs nearly [18,354](#) workers to supervise approximately [80,000](#) inmates. Over the past couple of years, the Department has struggled with filling vacancies for correctional officers. Specifically, the Statewide Correctional Officer Series Vacancy Rate increased from **4.95% in 2015 to 14.59% in 2020, and then to 28.46% in late 2021**. This 14% increase from 2020 to 2021 can be attributed to several critical issues, including but not limited to aging prisons, limited funding, and employee attrition and turnover rates. According to testimony from the Deputy Secretary of the Department of Corrections, Ricky Dixon, the pandemic has exacerbated these issues, forcing most officers to work 13.5-hour shifts with extended times of “unmanned critical posts,” in which officers are left to supervise inmates alone or with minimal support. Since 2014, the state has increased overtime spending for officers to approximately \$68.2 million to accommodate the need for inmate supervision. (Department of Corrections Presentation Florida House [loaddoc.aspx](#) [\(myfloridahouse.gov\)](#))



The Department of Corrections has made recent strides to mitigate employee attrition by strategically closing facilities, offering hiring bonuses, and hiring part-time certified officers.

According to Deputy Dixon’s testimony, the Department is still struggling with providing relief to its overworked and underpaid correctional officers. The current starting correctional officer salary is \$33,500 and the Florida Department of Corrections is proposing an increase to \$38,750. This increase was provided by a budget amendment approved by the Legislative Budget on 11/4/2021 (Link:- [110421.pdf \(state.fl.us\)](#))

- Statutes
 - [s. 944.02, F.S.](#) *Definitions*
 - [s. 951.23, F.S.](#) *County and municipal detention facilities; definitions; administration; standards and requirements*
 - [s. 951.2302, F.S.](#) *Inspection of county and municipal detention facilities; penalties for noncompliance with jail standards*

- Bills
 - CS/SB 1236: County and Municipal Detention Facilities by Sen. Jones – Passed
 - [Ch. 2022-108, L.O.F.](#)
 - The bill established the Florida Model Jail Standards (FMJS) Working Group to develop and maintain model standards for county and municipal detention facilities. The FMJS Working Group is comprised of seven members appointed by the Florida Sheriffs Association (FSA) and the Florida Association of Counties. The bill requires every sheriff, county, city, or other entity that operates a county or municipal detention facility to adopt, at a minimum, the approved FMJS, which address the construction, equipping, maintenance, and operation of county and municipal detention facilities, as well as the confinement and classification of prisoners. Under the bill’s provisions, each county or municipal detention facility must be inspected at least twice annually.

- Past FAC statements
 - **HSJ-PP-11(2021-22): FLORIDA DEPARTMENT OF CORRECTIONS - ADOPTED**
 - **PROPOSED POLICY:** SUPPORT the Florida Department of Corrections efforts to address the recruitment and retention of quality correctional officers for the safe care, custody, and control of inmates, which includes compensation reform for correctional officers and correctional probation officers and providing for 8.5 hour shifts for the correctional staff.

Guiding Principles- Detention related:

- HSJ 35. The Florida Association of Counties supports funding for capital improvements to county courthouses and other court-related facilities, including jails.



- HSJ 50. The Florida Association of Counties supports policies that ensure that adequate safety, supervision, and facility maintenance is provided at juvenile residential assessment centers and secure detention facilities.

Resources:

Department of Corrections Presentation Florida House - [loaddoc.aspx \(myfloridahouse.gov\)](http://loaddoc.aspx(myfloridahouse.gov))

Department of Corrections Website - [About Us -- Florida Department of Corrections \(state.fl.us\)](http://AboutUs--FloridaDepartmentofCorrections(state.fl.us))

Legislative Budget Commission 11/4/2021 - [110421.pdf \(state.fl.us\)](http://110421.pdf(state.fl.us))

SUBMITTING COUNTY AND CONTACT: Bradford, Franklin, Calhoun –Chris Dougherty, Ricky Jones, and Scott Monlyn

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT:

UNFUNDED MANDATE: Yes

PROTECTIVE OF HOME RULE: Unknown



HSJ-PP-05: EMERGENCY BRIEFINGS PUBLIC MEETING EXEMPTION

COMMITTEE RECOMMENDATION: ADOPT

PROPOSED POLICY: FAC **SUPPORTS** legislation granting an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.

BACKGROUND: Charlotte County is seeking FAC's support for a bill amending s. 286.011, F.S., providing an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.

The terrible COVID-19 pandemic has revealed serious opportunities across all levels of government to improve efficiency and effectiveness during a declared state of emergency. Several times throughout this rolling crisis it has become increasingly clear that allowing an exemption for county elected officials to participate in emergency-related briefings would allow for a more fluid and responsive discussion and execution of policy issues among our county leadership.

ANALYSIS:

- Charlotte County is concerned that our counties response in future rolling crises or multiple crises will be limited without such an exemption.
- Charlotte County believes that the exemption provides a reasonable prevention of abuse given that this exemption only occurs during a declared state of emergency. This means that the initiating agent for this exemption of Sunshine Law isn't rooted in the county elected officials but the Governor of the State of Florida.

FISCAL IMPACT: The requested changes to the sunshine 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
 - HSJ-PP-05 was recommended to be adopted by the committee.

Statutes

- [s. 286.011, F.S.](#) - Public meetings and records; public inspection; criminal and civil penalties.
 - The proposal seeks to amend this statute to provide county officials exemption to participate in emergency-related briefings during a declared state of emergency.

Bills:



- **2022:**
 - **[SB 782 - Public Meetings and Records/Conditional Medical Release Program by Sen. Perry](#) – **FAILED:** Bill stated that the Legislature finds that it is a public necessity that the hearings or portions of hearings during which exempt or confidential information is discussed by the review panel considering an inmate’s conditional medical release be made exempt.**
- **2021:**
 - **HB 1311 – Pub. Rec. and Meetings/Public Service Commission by Commerce Committee - Passed:** Provides exemption from public meetings requirements for portions of hearings before Public Service Commission wherein proprietary confidential business information is discussed
 - [Ch. 2021-72, L.O.F.](#)
- **2020:**
 - **SB 1060 - Public Records and Meetings/911, E911, or Public Safety Radio Communication System by Rules Committee – PASSED:** Providing an exemption from public records requirements for certain documents which depict the structural elements of certain 911, E911, or public safety radio communication system infrastructure, structures, or facilities
 - [Ch. 2020-13, L.O.F.](#)
- Past FAC statements:
 - **HSJ-PP-08 (2021-22): EXEMPTION FOR EMERGENCY BRIEFINGS (SUNSHINE LAW – COUNTY STATE OF EMERGENCY)**
 - **POLICY:** SUPPORT legislation granting an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.
 - Guiding Principles: FAC does not have any applicable Guiding Principles for this proposal.

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

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT:

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



HSJ-PP-06: FIREFIGHTER CANCER PRESUMPTION

COMMITTEE RECOMMENDATION: DEFER TO LEGISLATIVE CONFERENCE

PROPOSED POLICY: FAC SUPPORTS legislation clarifying language in the 2019 CS/CS/SB 426-Firefighters ([Ch. 2019-21, L.O.F.](#))

BACKGROUND: Charlotte County is seeking FAC's support for a bill clarifying language in the 2019 CS/CS/SB 426-Firefighters.

On July 1, 2019, CS/CS/SB 426 went into effect. This bill makes firefighters who are diagnosed with certain cancers eligible to receive certain disability or death benefits. Specifically, in lieu of pursuing workers' compensation coverage, a firefighter is entitled to cancer treatment and a one-time cash payout of \$25,000, upon the firefighter's initial diagnosis of cancer.

To receive these benefits, the firefighter must be employed by the employer for at least five continuous years, may not have used tobacco products in the preceding five years, and may not have been employed in any other position that is proven to create a higher risk for any cancer in the preceding five years.

ANALYSIS:

- Charlotte County is seeking clarification on several sections within CS/CS/SB 426-Firefighters:
 - **Line 38:** *"7. Invasive skin cancer."*
 1. What does "invasive skin cancer mean/entail?"
 - **Lines 61-142:** *"Upon a diagnosis of cancer, a firefighter is entitled to the following benefits, as an alternative to pursuing workers' compensation benefits under chapter 440..."*
 1. How does this section comport with collective bargaining agreements currently in effect?
 2. Does this re-open collective bargaining agreements that are currently in effect?
 3. Does implementing this new mandate start with bargaining impasse?
 - **Lines 61-63:** *"Upon a diagnosis of cancer, a firefighter is entitled to the following benefits, as an alternative to pursuing workers' compensation benefits under chapter 440..."*
 1. Does this limit a firefighter from electing both (workers compensation and the CS/CS/SB 426 listed benefits)?
 2. Does this create an exception to public policy that holds that employees cannot waive workers' compensation benefits except in certain limited situations?

- **Lines 65-66:** *“...has not used tobacco products for at least the preceding 5 years.”*
 1. Will this allow an employer to conduct health screenings to ensure this requirement is met?
 2. Will this allow an employer to receive medical records to ensure this requirement is met?
 3. Will this allow an employer to contact the firefighters’ doctors to ensure this requirement is met?

- **Lines 66-68:** *“...and has not been employed in any other position in the preceding 5 years which is proven to create a higher risk for any cancer...”*
 1. Will this allow an employer to conduct a risk assessment on the “other high-risk position(s)” to ensure this requirement is met?
 2. Will this allow an employer to require disclosures of outside employment?

- **Lines 74-75:** *“(b) A one-time cash payout of \$25,000, upon the firefighter’s initial diagnosis of cancer.”*
 1. What if a firefighter is under a different health plan/private employer plan/public employer plan?
 2. Is the \$25,000 cash payout limited to only one cancer or applicable to multiple diagnosis/different diagnosis/metastasized diagnosis?

- **Lines 77-88:** *“If the firefighter elects to continue coverage in the employer sponsored health plan or group health insurance trust fund after he or she terminates employment, the benefits specified in paragraphs (a) and (b) must be made available by the former employer of a firefighter for 10 years following the date on which the firefighter terminates employment so long as the firefighter otherwise met the criteria specified in this subsection when he or she terminated employment and was not subsequently employed as a firefighter following that date. For purposes of determining leave time and employee retention policies, the employer must consider a firefighter’s cancer diagnosis as an injury or illness incurred in the line of duty.”*
 1. What does terminate employment mean?
 2. What if the firefighter is fired with cause?
 3. COBRA benefits allow former employees to remain in the employer’s health plan for up to 3 years. How does this interplay with the 10-year requirement?

- **Lines 120-124:** *“(5)(a) The costs to provide the reimbursements and lump sum payments under subsection (2) and the costs to provide disability retirement benefits under paragraph (3)(b) and the line-of-duty death benefits under paragraph (4)(b) must be borne solely by the employer.”*
 1. What is the prescribed funding source for this sub-section?

- **Lines 125-133:** *“(5)(b) The employer or employers participating in a retirement plan or system are solely responsible for the payment of the contributions necessary to fund the increased actuarial costs associated with the implementation of the presumptions under paragraphs (3)(a) and (4)(a) ...”*



1. What is the prescribed funding source for this sub-section?

o **Line 179:** “Section 5. This act shall take effect July 1, 2019.”

1. When does the benefits and claims within this bill take effect?

- Charlotte County is in support of our county and state firefighters, and **only** wants to ensure qualified firefighters receive their full and appropriate benefits.
- Charlotte County is requesting that FAC act to ensure that counties and the state of Florida are fulfilling the intent of the bill in an orderly process that protects qualified firefighters.

FISCAL IMPACT: The overall fiscal impact of the requested clarifying language to CS/CS/SB 426 is unknown at this time.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - o HSJ-PP-06 was recommended to be amended prior to the legislative conference.
 - o The committee will work on proposing clarifying language for CS/CS/SB 426 to define certain cancers so firefighters will receive benefits in the most harmful cases. FAC Staff will also reach out to the CFO to determine the Cabinet Office’s position on the issue. Committee members specifically brought up invasive melanoma vs. basal cell).

This proposal seeks to amend s. [s. 112.1816, F.S.](#) in hopes of providing clarifying language to support the protection and expansion of firefighter health/benefits.

On July 1, Ch. 2019- 21, L.O.F. (CS/CS/SB 426) went into effect. This bill makes firefighters who are diagnosed with certain cancers eligible to receive certain disability or death benefits. Specifically, in lieu of pursuing workers’ compensation coverage, a firefighter is entitled to cancer treatment and a one-time cash payout of \$25,000, upon the firefighter’s initial diagnosis of cancer. There are 21 enumerated cancers outlined in statute.

To receive these benefits, the firefighter must be employed by the employer for at least five continuous years, may not have used tobacco products in the preceding five years, and may not have been employed in any other position that is proven to create a higher risk for any cancer in the preceding five years.

Statute 112.1816, F.S. provides adjustments to the employer-paid contribution rates for the Special Risk class and the Deferred Retirement Option Program (DROP) that fund the FRS’s normal costs and unfunded actuarial liability, and adjusts the percentage of funds allocated to provide in line of duty death benefits for investment plan members. When the bill went into



effect, there was an estimated **\$3.28 million cost** for counties (the highest of all employer groups).

FAC released an FAQ resource page to address questions and concerns of Ch.2019- 21, L.O.F. (CS/CS/SB 426) when it passed: http://www.fl-counties.com/sites/default/files/2019-08/FF%20Cancer%20Benefit%20Law%20-%20FAQ_0.pdf

- **Statutes**

- [s. 112.1816, F.S.](#) Firefighters; Cancer Diagnosis
- [s. 121.735, F.S.](#) Allocations for member line-of-duty death benefits; percentage amounts

- **Bills**

- **2022:**
 - [SB 838 – Fire Investigators](#) by Appropriations Committee (2022) – Passed and signed by the Governor (Expands definition of firefighter to full-time fire investigators)
 - The implementation of this bill expanded the scope of those eligible for firefighter benefits by expanding the pool to fire investigators.
 - [Ch. 2022-131, L.O.F.](#)
- **2019:**
 - [CS/CS/SB 426 – Firefighters](#) by Senator Flores - Passed
 - [Ch. 2019-21, L.O.F.](#)
 - [Staff Analysis for SB 426](#)
 - [SB 784 - Retirement by Governmental Oversight and Accountability Committee](#) - Failed
 - The bill adjusted the allocation of funds to provide disability coverage to members of the investment plan of the Florida Retirement System

- **Past FAC statements—none**

- FAC does not have any current guiding principles to support/defend this proposal.
- Last year, HSJ-PP-10: FIREFIGHTER EMPLOYMENT (RECIPROCITY & EQUIVALENCY OF OUT-OF-STATE FIREFIGHTERS) was proposed and **Failed**. The proposal attempted to expedite the process for determination of equivalency and reciprocity allowing out-of-state certificated fire fighters to be hired in Florida on a reciprocal basis. Additionally, support a grace-period whereby a firefighter certified Out-of-State be employed while an application for equivalency is being evaluated.

Additional Citations:

- FAC's Firefighter Benefits FAQ:



- http://www.fl-counties.com/sites/default/files/2019-08/FF%20Cancer%20Benefit%20Law%20-%20FAQ_0.pdf

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

BOARD SUPPORT:

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



SPECIAL EMERGENCY MANAGEMENT PROPOSED POLICIES

SEM-PP-01 – MY SAFE FLORIDA PROGRAM

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: FAC supports the continued investment in the My Safe Florida Program, and therefore:

- The Legislature should create a dedicated funding source to support the program on an annual basis.
- The Legislature should expand program eligibility to properties located outside the Windborne Debris Region.
- The Legislature should consider a match waiver for property owners who have received wind damage in the past and/or meet certain income thresholds.

BACKGROUND/FISCAL IMPACT:

My Safe Florida was re-enacted during the most recent Special Session of the Florida Legislature. The program has two primary components: (1) Provide free home inspections that identifies recommended improvements a homeowner may take to mitigate hurricane damage; (2) Eligible homeowners within defined areas of the state may apply for a matching grant to perform work on their home to retrofit their properties to make them less vulnerable to hurricane damage. The program is administered by the Florida Department of Financial Services and provides matching funds up to \$10,000 per dwelling. The state provides a \$2 match for each \$1 paid by the applicant. Eligible applicants must be located within the Florida Windborne Debris Region. For FY 22/23, the Legislature appropriated \$150 million in non-recurring general revenue to the program.

My Safe Florida originated at the District Court of Appeals in the 1990s and used CAT funds as its funding source. Around 2010, the program was moved to the Florida Department of Financial Services for approximately three years but was later moved back to the Florida Department of Emergency Management under the title “Hurricane Loss Mitigation Program.”



SPECIAL EMERGENCY MANAGEMENT PROPOSED POLICIES

SEM-PP-02 –MAINTAIN STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) GUARANTEED AMOUNTS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: FAC SUPPORTS Preserving the Guaranteed Amount of State Housing Initiatives Partnership (SHIP) Program to all Counties. FAC SUPPORTS Preserving the Current Statutory Split Between SHIP and the State Apartment Incentive Loan Program SAIL)

To ensure county SHIP funds are available to all 67 counties on a population-based formula to finance and preserve affordable housing for very low, low, and moderate income families based on locally adopted housing plans, the Florida Legislature:

- Should not redirect any of the FY 22/23 Sadowski Housing Trust Fund monies that are guaranteed to counties, pursuant to s.420. 7093, Florida Statutes
- Should honor the integrity of the statutory funding split between SAIL and SHIP.
- Should support the impacted communities by (1) encouraging those counties to draw down any unencumbered SHIP funds to assist with housing recovery and (2) encourage the Florida Housing Finance Corporation to prioritize any disaster “hold back” funds to the most severely impacted counties
- Should use General Revenue dollars for any unmet disaster housing needs.
- Should work with the Governor’s Office and Florida’s Congressional delegation for supplemental disaster housing recovery.

STAFF ANALYSIS/BACKGROUND:

Enacted in 1992, the William E. Sadowski Affordable Housing Act provides a dedicated revenue source for the State and Local Housing Trust Funds. The programs are funded through the state’s documentary tax on real estate transactions. Seventy percent of fund proceeds go into the Local Government Housing Trust Fund for the State Housing Initiatives Partnership (SHIP) Program, which allocates funds to local governments (counties and larger cities) for housing programs that produce and preserve affordable homeownership and multifamily housing for very low, low and moderate-income families. Thirty percent of fund proceeds go to the State Housing Trust Fund for programs such as the State Apartment Incentive Loan (SAIL) Program.

FISCAL IMPACT:

The SFY 2022-2023 budget allocates approximately \$209.48 million for the State Housing Initiatives Partnership (SHIP).

The SFY 2022-2023 budget allocates \$153.25 million for the State Apartment Incentive Loan Program (SAIL), including a \$100 million allocation for a Florida Hometown Hero Housing Program.



SPECIAL EMERGENCY MANAGEMENT PROPOSED POLICIES

SEM-PP-03 – HAZARD MITIGATION GRANT PROGRAM

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: FAC SUPPORTS the protection of Hazard Mitigation Grant Program (HMGP) Funding.

- The Legislature should acknowledge and protect the current HMGP fund allocation process outlined in 27P-22, FAC. The process ensures that a county's fund allocation is based on its share of total disaster damages compared to all other declared counties.
- The Legislature should acknowledge the locally driven and vetted HMGP project selection process and not divert HMGP funds for non LMS initiatives.
- The Legislature should set up a process that provides matching funds for HMGP projects.

STAFF ANALYSIS/BACKGROUND:

Hazard Mitigation Grant Program (HMGP) Funding:

HMGP funds are made available following a major disaster declaration. The total HMGP award is based sliding scale as a percentage of the estimated amount of total federal assistance for the disaster. While funds are available to all counties in the disaster declaration, they are administered by the Florida Division of Emergency Management and provided on 75/25 cost share.

The process of selecting eligible mitigation projects for funding consideration has been delegated to each county's Local Mitigation Strategy Working Group (LMSWG) in accordance with 27P-22, FAC. The code reflects federal law that requires counties adopt local mitigation plans that assess risks and vulnerabilities and identify actions (policies and projects) to reduce or eliminate future losses. Local mitigation plans (a.k.a. Local Mitigation Strategies) are required by FEMA as a condition of receiving HMGP funds

FISCAL IMPACT: Following the 2004/05 storm seasons, the Legislature redirected nearly all HMGP funds for projects deemed essential for hurricane preparedness and mitigation (New EOCs; Generators, etc.). By taking this action, the Legislature ignore the established county LMS review and selection process.



SPECIAL EMERGENCY MANAGEMENT PROPOSED POLICIES

SEM-PP-04 – EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: FAC supports the audit of the Emergency Management Preparedness and Assistance Trust Fund (EMPA) surcharge. The Legislature should direct the Florida Department of Revenue to audit how the Emergency Management Preparedness and Assistance Trust Fund (EMPA) surcharge is applied to all residential and commercial properties for compliance with s. 252.372, Florida Statutes.

STAFF ANALYSIS/BACKGROUND:

Following Hurricane Andrew, the State of Florida established the Emergency Management Preparedness and Assistance (EMPA) Trust Fund that provides a dedicated source of funding to county emergency management programs. The EMPA is funded by an annual surcharge of \$2 per policy on every homeowners, mobile home owners, tenant homeowners, and condominium unit owners policy, and an annual \$4 surcharge on every commercial fire, commercial multiple peril, and business owner's property insurance policy.

FISCAL IMPACT:

While residential and commercial growth over the last 20 years has been significant, one would expect EMPA surcharge collections to reflect that growth. However, the Office of Economic and Demographic Research (EDR) reports that, from FY 02/03 – FY 21/22, the surcharge collections grew by only \$2 million (from \$14.2 million to \$16.2 million). One reason for this marginal growth is that oversight for collections has not received appropriate attention over time. There is speculation, for example, that collections on certain commercial properties are based on a single policy covering multiple structures.

Each of the state's 67 county emergency management offices receive approximately \$105,000 annually from the EMPA. Funding has remained flat since 1999.



SPECIAL EMERGENCY MANAGEMENT PROPOSED POLICIES

SEM-PP-05 – COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY(CDBG-DR)

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: FAC recommends the following for the Housing Federal Supplemental Funding post Hurricane Ian:

- Anticipating that Congress will pass a disaster supplemental bill for Hurricane Ian recovery, FAC recommends Congress either (1) reduce the regulatory restrictions associated with housing recovery under HUD (CDBG-DR), or (2) direct those funds to FEMA but ensure, like CDBG-DR, they lose their federal identity and can be used to match FEMA federal dollars.
- Alternatively, at a minimum, Congress should allow “Entitlement Communities” to receive CDBG-DR funds directly.

STAFF ANALYSIS/BACKGROUND:

As with prior disasters in Florida, it is anticipated that Congress will soon pass a supplement disaster relief bill to address long-term recovery issues. Past appropriations have been extensive addressing unmet needs in marine debris, workforce training, agriculture, nutrition assistance, housing, among others. For example, following Hurricane Irma, Congress passed a supplemental appropriation that included more than \$700 million for housing repair and replacement, affordable housing, and voluntary buyouts. These funds were appropriated to the Department of Housing and Urban and Development (HUD) that must follow a rigid regulatory process that does not reflect the heightened needs of the impacted communities. Once initial federal requirements are met, a sub agreement with the Florida Department of Economic Opportunity (DEO) must be executed. DEO then begins a process of hiring management consultants to begin implementing its proposed programs. In short, once a disaster occurs, a community may not see any financial relief until 2-3 years following the disaster.

On September 23, the governor issued Executive Order 22-218 (2022-09-23) and EO 22-219 (2022-09-24) declaring a state of emergency for all sixty-seven counties regarding Hurricane Ian. (<https://www.floridadisaster.org/info/>) On September 28, the hurricane made landfall on Cayo Costa, on the southwestern coast of Florida, as a strong Category 4 hurricane. The storm has had catastrophic implications on the state of Florida, with a climbing death toll and severe exterior damage.

Hurricane Ian impacted several counties, including but not limited to Charlotte, Citrus, Collier, DeSoto, Dixie, Flagler, Gilchrist, Hardee, Hernando, Highlands, Hillsborough, Lafayette, Lake, Lee, Levy, Manatee, Monroe, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, Taylor, and Volusia counties. These counties were eligible for federal assistance under FEMA.



HEALTH, SAFETY & JUSTICE GUIDING PRINCIPLES

Community, Health and Human Services Policy

County officials recognize the importance of adequately providing for quality health and human services to protect and assist citizens in need. 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.

- HSJ 1. The Florida Association of Counties supports allowing for flexibility in the delivery of health and human services within communities to achieve the desired level of services based on local needs and priorities.
- HSJ 2. The Florida Association of Counties supports 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.
- HSJ 3. The Florida Association of Counties supports policies that increase access to acute care behavioral health services for individuals and families.
- HSJ 4. The Florida Association of Counties supports policies that increase supportive housing, jail diversion, and employment and education initiatives for people with mental health, substance abuse issues, behavioral health issues and/or disabilities.
- HSJ 5. The Florida Association of Counties supports diverting, medically assisting, or treating the mentally ill outside of the criminal justice process through alternative programs, such as Crisis Intervention Teams.
- HSJ 6. The Florida Association of Counties supports Medicaid reform initiatives to ensure that persons with substance abuse and mental health treatment needs are appropriately served.
- HSJ 7. The Florida Association of Counties supports the implementation of discharge protocols and/or procedures for hospitals, correctional facilities, and mental health facilities when releasing homeless persons.
- HSJ 8. The Florida Association of Counties supports the development of policies that would allow local governments to work with the state and federal government to serve target populations: the chronically homeless, veterans, and families and children, with emphasis on children aging out of the foster care system.
- HSJ 9. The Florida Association of Counties supports policies that promote continued coordination with the state's Council on Homelessness, specifically as it recommends policies and practices in support of the Federal Strategic Plan to End Homelessness.



- HSJ 10. The Florida Association of Counties supports policies that lessen fragmentation, inefficient operation, and costly duplication of transportation disadvantaged services.
- HSJ 11. The Florida Association of Counties supports the implementation of guidance and regulations of Opportunity Zones tax benefits that prevent abuse, encourage developments that provide public benefits in low-income areas within the identifiable zone, and protect local governments and stakeholders.

Community, Health and Human Services Funding

While most health and 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. Given the varying capacity and funding capabilities of counties, adequate federal and state funding to ensure uniformity in the human services continuum.

- HSJ 12. The Florida Association of Counties supports, when feasible, directing existing funding from institutional care to community-based care programs.
- HSJ 13. The Florida Association of Counties supports increased funding for core and crisis mental health services, including beds, statewide.
- HSJ 14. The Florida Association of Counties supports life-saving interventions, including medication-assisted treatment, residential treatment, twelve-step recovery and detoxification programs, and diversions from the criminal justice system.
- HSJ 15. The Florida Association of Counties supports increased funding of the Criminal Justice Mental Health and Substance Abuse Reinvestment Grant Program with recurring dollars in a trust fund.
- HSJ 16. The Florida Association of Counties supports sustainable matching state funds to counties that have received both planning and implementation Reinvestment Grant funds.
- HSJ 17. The Florida Association of Counties supports a system for distributing Low Income Pool dollars that ensures IGT-donor counties are able to direct the federal matching dollars generated by their local IGT contributions to best meet the health care needs of their constituents, rather than having those dollars redistributed throughout the state.
- HSJ 18. The Florida Association of Counties supports adequate funding for the Community Care for the Elderly Program, which provides cost efficient diversion from nursing home placement for impaired elders.
- HSJ 19. The Florida Association of Counties supports funding Graduate Medical Education programs to meet the healthcare needs of the state and its local communities, with an emphasis on programs that provide for specialties in need, as well as the development of physicians to practice in medically underserved areas.



- HSJ 20. The Florida Association of Counties supports funding for the Florida Healthy Start and Healthy Families program.
- HSJ 21. The Florida Association of Counties opposes policies that further shift state Medicaid costs to counties.
- HSJ 22. The Florida Association of Counties supports the continued evaluation of the county- state Medicaid cost-share arrangement, taking into consideration the impacts of state policies designed to contain growth in Medicaid costs, including statewide Medicaid managed care and diagnosis related group reimbursement for hospitals.
- HSJ 23. The Florida Association of Counties supports increasing state general revenue funding for county health departments (CHDs), and opposes any state reductions to the CHD Trust Funds.
- HSJ 24. The Florida Association of Counties supports maintaining a coordinated system of CHDs that is centrally housed within the Department of Health (DOH).
- HSJ 25. The Florida Association of Counties supports preserving the ability of CHDs to provide primary care and direct patient care services, particularly in communities without adequate substitutes or alternative providers for these services.
- HSJ 26. The Florida Association of Counties supports a dedicated state funding source for homeless programs.
- HSJ 27. The Florida Association of Counties supports the continuation of the Medically Needy program.
- HSJ 28. The Florida Association of Counties supports policies that allocate state funds to hire Veterans Services Officers in counties in order to increase services and federal benefits for Florida veterans.
- HSJ 29. The Florida Association of Counties supports policies that protect the Transportation Disadvantaged (TD) trust fund, as well as dedicated state funding for the TD program, including funding to address unmet TD needs in rural areas.
- HSJ 30. The Florida Association of Counties supports continuing enhanced state funding for cultural historic initiatives.

Public Safety and Emergency Services

Providing for public safety is one of the core functions of county governments. Counties provide for safety through support of first-responder services from sheriffs' offices, ambulance services, fire and rescue, and emergency management centers that protect the public during natural or man-made disasters, terrorism, emergencies, and public health threats.

- HSJ 31. The Florida Association of Counties supports policies that maintain and enhance established trauma care funding, including incentives for the development of new trauma centers.
- HSJ 32. The Florida Association of Counties opposes policies that 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.
- HSJ 33. The Florida Association of Counties supports policies that protect the ability of counties to provide for coordinated, countywide systems of emergency medical services through the Certificate of Public Convenience and Necessity Process, and not limit the ability of ambulance and other emergency medical transportation providers to be reimbursed for their services.
- HSJ 34. The Florida Association of Counties opposes sentencing of state inmates to county jails, but supports counties' ability to contract with the Department of Corrections for housing state inmates.
- HSJ 35. The Florida Association of Counties supports funding for capital improvements to county courthouses and other court-related facilities, including jails.
- HSJ 36. The Florida Association of Counties supports policies designed to prevent human trafficking, protect victims, prosecute human traffickers, and create partnerships across all levels of government, the private sector, and state agencies to provide training opportunities for local government employees and their agents to recognize the signs of human trafficking including government inspectors, law enforcement, criminal justice, health care, transportation and public transit, educational partners, and employees working with vulnerable populations.
- HSJ 37. The Florida Association of Counties opposes policies that would shift funds or impede counties from building and maintaining an interoperable radio communication system as authorized by statute.
- HSJ 38. The Florida Association of Counties supports increased funding for locally-operated crime analysis laboratories.
- HSJ 39. The Florida Association of Counties supports policies and funding targeted at enhancing the quality of volunteer firefighting services in rural and unincorporated communities.



- HSJ 40. The Florida Association of Counties supports the provision of state matching funds for all disaster-related / emergency management projects deemed eligible and approved by FEMA including, but not limited to, backup generators for facilities for elders.
- HSJ 41. The Florida Association of Counties 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.
- HSJ 42. The Florida Association of Counties supports policies and funding that provide enhanced training and education opportunities for County Emergency Management employees.

Criminal Justice System

Florida's counties also play a critical role in state's criminal justice system, providing prevention, pre-trial, and reintegration services, juvenile programs, victims' assistance, and jail funding throughout the state. Success of such programs hinges on a comprehensive and coordinated approach across local agencies, jurisdictions, and with state and federal partners. When determining appropriate programming and funding, Florida's counties work to encourage improved outcomes for system participants and communities while also seeking cost reductions and efficiencies. Public safety and criminal justice services continue to have increased funding needs, however, as counties and their public safety partners face new and evolving threats to the safety and welfare of their communities and counties must be empowered to adequately address funding of necessary services. Furthermore, considering the interconnected nature of many of these threats, increased federal and state funding is essential to ensure that effective public safety systems are provided throughout Florida.

- HSJ 43. The Florida Association of Counties supports policies preserving counties' ability to provide risk assessment pretrial release services that prevent new offenses and ensures appearance as obligated.
- HSJ 44. The Florida Association of Counties opposes policies limiting the discretion of the first appearance judges.
- HSJ 45. The Florida Association of Counties opposes policies that restrict pretrial services to only indigent defendants.
- HSJ 46. The Florida Association of Counties supports policies that reduce county jail expenses, including juvenile and adult diversion programs.
- HSJ 47. The Florida Association of Counties supports policies that provide Medicaid eligibility for persons incarcerated in county jails while waiting disposition of their cases and to ensure that existing Medicaid benefits are not terminated during incarceration.
- HSJ 48. The Florida Association of Counties supports policies and initiatives which reduce juvenile detention through prevention, civil citation, treatment, and rehabilitation services.



- HSJ 49. The Florida Association of Counties supports state investments in juvenile facilities to improve the conditions of secure confinement for detained youth without such costs being shifted to the counties.
- HSJ 50. The Florida Association of Counties supports policies that ensure that adequate safety, supervision, and facility maintenance is provided at juvenile residential assessment centers and secure detention facilities.
- HSJ 51. The Florida Association of Counties supports state funding of Juvenile Assessment Centers throughout Florida to strive to achieve equal treatment of youth offenders.
- HSJ 52. The Florida Association of Counties supports policies that increase judicial oversight and authority for charging and sentencing juvenile defendants as adults without creating additional county service requirements.
- HSJ 53. The Florida Association of Counties supports increased state funding for the state corrections system to address compensation, retention, and recruitment of state correctional staff. As the state reviews the current prison system, the Florida Association of Counties supports monitoring DOC review of state-operated facilities with particular focus on any recommendations that may impact local community employment and revenue sharing, as well as other local impacts and supports minimizing any affects to local employment and revenue sharing resulting from DOC reviews.