



BOARD OF COUNTY
COMMISSIONERS

2011 STATE LEGISLATIVE PROGRAM



BOARD OF COUNTY COMMISSIONERS



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COMMISSION 2011 PRIORITIES - Section One

BEACH RENOURISHMENT

Support the protection and retention of the dedicated use of documentary stamp revenues for beach erosion programs throughout the state of Florida.

COLLECTIVE BARGAINING/COUNTY CONSTITUTIONAL OFFICERS

Amend state law to authorize the constitutional officers to each be the "legislative body" for resolving collective bargaining impasses involving their respective employees.

ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE

Support policies that enhance economic development by utilizing various tools and incentives to induce business expansion, targeted industry retention, new capital investment and job creation. Support the County's evolution into a global center for trade and investment through legislation that promotes and enhances the growth of foreign direct investment, domestic and international trade, and travel and tourism.

EXPANSION OF MEDICAID REFORM

Oppose extending and/or expanding Medicaid Reform and support the creation of a medical program that ensures equitable access to services, provides improved prescription services and includes flexibility for participants based on their medical and financial needs.

GROWTH MANAGEMENT AUTHORITY

Support the existence of a state land planning agency to deal with planning issues of statewide concern and to ensure consistency throughout the state. Should the Legislature eliminate the state's current land planning agency, support delegating review authority over issues of regional significance to regional planning councils.

JUVENILE JUSTICE

Oppose efforts to shift additional Department of Juvenile Justice costs to counties and oppose having counties compensate the state for any unfunded juvenile justice mandates. Support legislation that provides for a county's input into the development and approval of the annual operating budget of the secure detention facility located within its geographic boundaries. Support legislation that improves the accountability of educational systems within juvenile detention facilities.

ONLINE TRAVEL COMPANIES

Amend existing transient rental tax law and local tourist development tax law to confirm that online travel companies utilizing a "merchant" or similar business model must collect and remit all state transient rental and local tourist development taxes when receiving from a customer the consideration for the lease or rental of a hotel room or other transient accommodation.

TAXPAYER BILL OF RIGHTS (TABOR)

Oppose any legislative or constitutional efforts to impose expenditure or revenue caps on local governments. Oppose any efforts that further erode the capability of local governments to fulfill their financial obligations or provide necessary services to their residents. Oppose reductions or exemptions to current state tax revenue sources, unless replacement funding sources or reductions in mandates are included.

TRUTH-IN-MILLAGE (TRIM) NOTICES

Amend state law to allow counties to notice taxpayers of the portion/percentage of property taxes attributed to the Constitutional Officers.

APPROPRIATIONS ISSUES - Section Two

AVIATION GRANT PROGRAM

Support state funding for airport development that is no less than what is proposed by the Florida Department of Transportation in the Tentative Work Plan for FY2011/12.

CHILD PROTECTION TEAMS (CPT)

Oppose the reduction of funding to the Florida Department of Health/Children's Medical Services (DOH/CMS) which funds Child Protection Teams (CPT) throughout the state, including Broward County. The DOH/CMS was reduced significantly in the past year, consequently decreasing the local CPT funding thereby further reducing funds to serve child victims of abuse and neglect.

COMMUNITY CARE FOR THE ELDERLY

Support cost-effective, evidence-based programs that serve frail elders and allow older adults to "age in place." Specifically, support restoring funding to the Community Care for the Elderly (CCE) program and oppose any cuts to programs targeting community-based services for elders, which save the state of Florida millions of dollars in emergency and nursing home care, while offering autonomy and dignity to aging citizens.

CRIME LAB FUNDING

Support additional funding to address the existing funding disparity between state and locally-operated crime analysis laboratories.

MENTAL HEALTH AND SUBSTANCE ABUSE

Support legislation:

- Restoring funding removed from Substance Abuse TANF grants in the 2008 Session;
- Transitioning Substance Abuse TANF funding to a recurring revenue stream;
- Protecting current levels of funding for Substance Abuse and Mental Health Community Project grants; and
- Funding to sustain and expand jail diversion programs for persons with mental illness.

LIBRARY GRANTS-IN-AID

Support full funding of libraries.

STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) PROGRAM

Support legislation to effectively address the on-going need for affordable, livable, rental and owner-occupied housing by dedicating a revenue source for affordable housing, benefiting eligible very low, low, and moderate income persons in Broward County.

LEGISLATIVE PROPOSALS - Section Three

AVIATION FUEL TAX EXEMPTION

Oppose any attempts to waive, reduce or suspend aviation fuel taxes on a statewide or local basis.

BROWARD COUNTY COURTS

Court Funding for Red-Light Camera Citation Workload

Amend State law to direct up to \$2 of the state's portion of the penalty for red-light camera violations to fund additional traffic hearing officers in those judicial circuits with Traffic Hearing Officer programs.

BROWARD SHERIFF

Pretrial Release

Oppose any legislative efforts to restrict pretrial release for criminal defendants.

Wireless Communications Devices While Driving

Support legislation that prohibits the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other text in a wireless communication device, or sending or reading data in the device, for the purpose of non-voice interpersonal communication. Support exceptions in legislation for: (1) emergency workers reporting emergencies or suspicious activities, (2) receiving various types of navigation information, emergency traffic data, and radio broadcasts, and (3) interpersonal communications that can be conducted without the need to manually type messages.

LOST PERSONAL PROPERTY

Amend state law to authorize public transit systems to dispose of abandoned or lost property.

MEDICAL EXAMINER ACCESS TO DRIVER AND VEHICLE INFORMATION DATABASE

Amend state law to authorize access to a motorist's identifying and emergency contact information by the medical examiner through the Florida Department of Highway Safety and Motor Vehicle's Driver and Vehicle Information Database.

NO-BLEED WATER CONSERVATION

Support an amendment to the High Velocity Hurricane Zone section of the South Florida Building Code to require the installation of no-bleed cooling towers and air conditioner condensate recovery at the time of new construction or existing system replacement.

OFFSHORE DRILLING

Support continuance of the prohibition against leases or permits for drilling oil or gas wells within the boundaries of Florida's territorial seas, and to oppose any legislation that negatively impacts the Florida Department of Environmental Protection's authority to block requests for offshore drilling in Federal waters off Florida's coast.

PROPERTY ASSESSED CLEAN ENERGY (PACE)

Support passage of a Memorial to the United States Congress that calls for the removal of federal barriers to local Property Assessed Clean Energy (PACE) initiatives that are intended to assist property owners' financing of energy efficiency and renewable energy improvements.

PUBLIC MEETINGS VIA ELECTRONIC MEDIA

Amend state law to allow local government advisory boards to conduct public meetings via electronic media technology.

FUNDAMENTAL PRINCIPLES - Section Four

LOCAL GOVERNMENT - GOVERNANCE

ANNEXATION

The forecast for Broward County's 2010 unincorporated resident population is 14,012 or approximately 0.8 percent of the total population of 1,769,692 (Note: these population numbers include those in group quarters). These residents occupy approximately 12.5 square miles (about 2.9 percent of the land area which can be developed) in several recognized neighborhoods and other small areas spread throughout the County in parcels of varying size.

These scattered neighborhoods present a service delivery challenge for the County. In response to this circumstance, in 1995 the Broward County Legislative Delegation's Ad Hoc Committee on Annexation Policy (Committee) recommended that all remaining unincorporated areas be annexed, with the exception of the Conservation Areas and lands occupied by regional county facilities. The Board supports full annexation and the policies contained within the Committee's report.

The Board supports the use of straw ballots, opinion polls, or any other reasonable method of measurement to substantiate the wishes of the unincorporated residents as it relates to their annexation options.

CONSUMER PROTECTION

Broward County has been a leader in the enactment of ordinances to protect its residents against unfair and deceptive trade practices. The Board supports legislation that provides increased consumer protection for Florida residents. The Board opposes legislation which would preempt local consumer protection including, but not limited to taxi and limousine permits, moving services and used cars.

CULTURAL SERVICES

The Board supports a vision statement and strategic goal for cultural amenities and recreation, which includes raising community awareness of the need for diverse cultural and historic amenities and programs and maintaining a network of parks and libraries that provide a variety of recreation and learning. An objective of this goal is to increase attendance and expand opportunities for participation in arts and cultural events. Recognizing the significant role that arts and culture play in our economy and quality of life, the Board supports legislation that promotes and enhances the arts, culture and historic preservation. The Board also supports the continuation of recurring funding for cultural affairs and historic preservation appropriations requests including capital projects. The Board also supports an increase in statewide funding for the Entertainment Industry Financial Incentive Program.

Additionally, libraries are a free resource to the community that bring various learning opportunities to all. The Board supports full funding of State Aid to Libraries based on the current statutory formula providing counties a match for every local dollar spent.

EMINENT DOMAIN

Eminent domain is just one of the tools available to local governments to ensure the development of necessary public infrastructure. The Florida Constitution and implementing statutory laws provide adequate protections to make sure property owners are fully compensated when their private property is taken by government for public use. Accordingly, the Board opposes legislation that further restricts or preempts the powers of local government to effectively address critical infrastructure projects and other economic development projects that are vital to the economic prosperity of Broward County and the state of Florida.

FLORIDA RETIREMENT SYSTEM

The Florida Legislature created the Florida Retirement System (FRS) in 1970 to serve a wide variety of government employees. FRS membership is compulsory for all full-time and part-time employees working for the state, counties, school boards, colleges and participating cities or special districts. School board and county government employees comprise over 70 percent of the system's current membership. The FRS is noncontributory, meaning that contributions to the plan are made by participating public employers, not their employees. Employer contributions are deposited into the FRS Trust Fund and invested by the State Board of Administration (SBA) to pay the future benefits of FRS members and beneficiaries.

Between 1970 and 2010, the FRS has been significantly expanded and altered which has resulted in increased costs. Additionally, investment returns at the end of fiscal year 2008-2009 declined with the national economic downturn resulting in the Pension Plan having 88.5 percent of the monies needed to fund its current and future benefits. At the end of fiscal year 2009-2010, the fund had rebounded \$9.77 billion over the 2009 figures.

Nevertheless, during the 2010 Session several pieces of legislation were filed in the Florida Legislature to cut back on perceived benefit excess and lower costs for participating public employers. To ensure the future stability of the FRS Pension Plan, proper evaluation of its costs, benefits and administration should occur, along with continued public support for the plan. The Board opposes any FRS changes that result in an increase in the FRS contribution rates. The Board supports requiring all legislation that potentially results in an increase in the FRS contribution rate must be evaluated to determine the direct fiscal impact of proposed changes to local and state government before the legislation is eligible for consideration. The Board supports some level of grandfathering to existing employees. The Board supports the establishment of a study commission to review the economic and practical impacts of possible changes to the FRS that would maintain competitive benefits for employees and create a more cost-effective system for employers.

HOME RULE

Broward County is dedicated to the fundamental concept that the government closest to the people is the appropriate authority to serve the needs and requirements of the community. The Board supports maintaining the integrity of home rule power, which allows counties to develop and implement solutions to local problems. As a charter county, the Board opposes legislative efforts that interfere with governance or local government administration.

The Board supports allowing local governments to have the option of complying with state public notice requirements through the use of electronic online advertising on publicly accessible Web sites. Meeting notices, proposed ordinances, resolutions, land use changes, bid notices, special elections or referenda, and budget information are among the types of public notifications which can be efficiently and effectively posted to the Internet for public notice.

HUMAN RESOURCES

As major employers in the state of Florida, county commissions are directly accountable to thousands of residents and employees. County commissions are responsible at the local level for fiscal, administrative and personnel decision-making. The Board supports home rule ability to effectively manage, at the local level, all aspects of employee salary and benefit packages in the best interest of taxpayers as well as employees. The Board supports the ability to protect the privacy and safety of its employees.

SOVEREIGN IMMUNITY / GOVERNMENTAL LIABILITY

Florida statutory law waives the sovereign immunity of the state, its agencies and subdivisions for tort liability. The waiver, found in §768.28, Florida Statutes, is limited to \$100,000 per person or \$200,000 per incident. During the 2010 regular Session, the Legislature passed Chapter 2010-26, which will

increase these limits to \$200,000/\$300,000, respectively, on October 1, 2011. Limitation on the waiver of sovereign immunity is justified by strong, long-standing public policy grounds including: 1) protecting the public treasuries from excessive incursions; 2) preserving governmental discretion thus enabling flexible decision-making without risking liability; 3) preventing excessive judicial entanglements in the discretionary functions of the executive and legislative branches; 4) protecting the orderly administration of government; and 5) minimizing the chilling effect lawsuits may have on law enforcement officials carrying out their duties.

Expanding governmental liability through increased sovereign immunity waiver limits, eliminating rules governing apportionment of fault amongst all responsible persons regardless of whether such persons have been made parties to the particular action brought by the claimant, or by otherwise weakening other tort-related protections enjoyed by private and governmental defendants alike, will result in unwanted consequences. An increase in the number of frivolous claims, lawsuits, or costs associated with litigation could result in significant negative impacts to many Florida local governments.

Accordingly, the Board opposes any legislative efforts to weaken or eliminate the sovereign immunity waiver limitations in §768.28, Florida Statutes, or other tort-related protections governmental entities would otherwise enjoy as defendant parties. The Board further opposes any legislative efforts increasing local governments' risk of liability including legislation creating new, or expanding existing, causes of action and/or providing for recovery of attorneys' fees and costs.

UNFUNDED MANDATES

Frequent state directives mandate local governments to provide services or programs without providing appropriate revenue or funding sources to implement or enforce the required activity. These unfunded mandates can compromise a county's ability to provide essential and discretionary services deemed appropriate by the local community. The Board opposes any legislation that implements unfunded mandates on a local government's fiscal and public policy unless the state provides its own funding source.

ECONOMIC DEVELOPMENT

A major goal of county government is to encourage economic development to promote a full range of high wage/high-skilled employment, business and housing opportunities, which lead to improving the economy, increasing the tax base, and encouraging diversity. The Board supports policies to enhance economic development utilizing various tools and incentives to induce business expansion, targeted industry retention, new capital investment and job creation. The Board supports cohesive efforts, undertaken at a variety of governmental and industry levels, to expand our exports to the global marketplace. The Board supports the County's evolution into a global center for trade and investment. The Board supports legislation that promotes and enhances the growth of foreign direct investment, domestic and international trade, and travel and tourism as facilitated by its Office of Economic and Small Business Development, Convention & Visitors Bureau, the Port, and Fort Lauderdale-Hollywood International Airport. The Board also supports programs and efforts providing capital formation for small and emerging businesses, the expansion and creation of enterprise zones, and commercial revitalization projects that create jobs and help to enhance redevelopment in all economically-distressed areas of the County. The Board opposes legislation that results in a disadvantage for county economic development, in general, and tourism, seaport, aviation, and transportation, specifically, and legislation which impedes the County's ability to make competitive business decisions.

EMERGING AND SMALL BUSINESS ENTERPRISE DEVELOPMENT

Recognizing the significant role business plays in our economy, the Board encourages the growth and development of emerging and small business enterprises within our geographical boundaries. The Board supports policies and legislation that assist small, minority and women-owned businesses through such capacity building components as access to banking and financing, insurance and bonding, business development and management, technical assistance and mentor-protégée programming. Specifically, the Board supports the creation of small business loan programs targeted to small and emerging businesses in Broward County. In addition, the Board supports prompt payment of contractors and subcontractors.

ENVIRONMENT AND ENERGY/CLIMATE CHANGE

AIR QUALITY

Clean air is an essential natural resource that is important to public health, our environment and our economy. Poor air quality can have a significant impact on public health, business, property and tourism. The Board supports the goals of the Clean Air Act and specifically the goals of the Clean Air Act and specifically legislation that would reduce air pollution and the adverse health impacts of poor air quality such as chronic respiratory ailments, asthma, cardiovascular disease and premature mortality.

BEACHES

Florida's beaches are a critical part of the state's travel and tourism industry, generating jobs and local, state and federal tax revenues. Beaches are also the first line of defense against hurricane and storm surge threats to life and property. U.S. Army Corps of Engineers' studies confirm that healthy beaches reduce flood damage to coastal properties, resulting in a reduction in federal disaster rehabilitation payouts. The Florida Department of Environmental Protection estimates that more than one-third of Florida's 787 miles of beaches are in a state of critical erosion. The Board supports the protection and retention of the dedicated use of documentary stamp revenues for beach erosion programs throughout the state of Florida in order to protect and maintain these essential elements that are vital to our environmental and economic infrastructure. The Board supports and encourages the state of Florida to study and promote methodologies in addition to sand replenishment which would prevent or repair beach erosion.

ENERGY / CLIMATE CHANGE

The Board supports legislation that promotes energy efficiency. The Board supports legislation to implement the Florida Energy and Climate Change Action Plan, which calls for greenhouse gas (GHG) emissions to be reduced to 80 percent below 1990 levels by 2050. The Board supports legislation that provides technical assistance and funding for counties to implement GHG emissions reduction programs. The Board also supports modes of transportation that encourage fewer cars on the road, such as public transit and transportation that utilizes alternative/clean fuels.

Florida is considered one of the most vulnerable regions in the country to the consequences of climate change, with Southeast Florida on the frontline to experience impacts such as sea level rise. In recognition of this, the Board supports legislation that provides for climate change adaptation strategies, programs, funding or any other efforts designed to protect public infrastructure, property, water resources, natural resources and basic quality of life from the impacts of climate change. In particular, the Board supports legislation that defines a regional Adaptation Action Area for the purposes of focused funding, research and technical assistance.

For the purposes of encouraging regional collaboration and joint advocacy, on October 26, 2010, the Board adopted the Southeast Florida Regional Climate Change Compact Counties 2011 State and Federal Climate Legislative Program. The Program outlines the climate policies, appropriations and priority positions jointly supported by Compact Counties' representatives (Broward, Palm Beach, Miami-Dade and Monroe Counties).

Specifically, the Board:

- Supports passage of a bill by the Legislature that establishes a renewable energy portfolio standard of 20 percent renewable energy by 2020 and which defines renewable energy sources as wind, solar, geothermal, biomass, landfill gas, qualified hydropower, and marine and hydrokinetic energy and also including nuclear energy.
- Supports continued development and implementation of the state comprehensive climate change action plan, energy policies and other initiatives to reduce carbon dioxide and other compounds in the atmosphere which will help provide solutions to present and future generations, including ecosystem sustainability, long-term water supply, flood protection, public health and safety, and economic growth and prosperity.
- Supports greater incorporation of adaptation strategies in the development and implementation of state climate and energy legislation and appropriations priorities.
- Supports naming Southeast Florida, a Pilot Adaptation Action Area.
- Opposes any efforts by the Legislature to lift the ban on oil drilling within Florida's territorial waters.
- Supports expansion of criteria under the Florida Communities Trust Land Acquisition Program to enable local governments to purchase (both fee simple and easements) parcels to serve as buffers to sea level rise, storm surge, community flooding and other adverse impacts of climatic events.
- Supports continued focus on Everglades restoration as an essential component of securing regional water supply and building regional climate resilience.
- Supports development of alternative energy sources and programs providing incentives for local governments to participate in energy policies such as green building and carbon emission reductions.
- Supports the Florida Department of Transportation's initiative to incorporate climate adaptation considerations in the current round of statewide transportation planning.
- Supports efforts that focus on ensuring that regional climate change needs are addressed and prioritized by incoming administrations during the upcoming statewide executive transition processes for Governor, Attorney General, Chief Financial Officer and Agriculture Commissioner.

Furthermore, with respect to appropriations and funding climate-related activities, the Board:

- Supports funding for the Florida Solar Rebate Program and calls for the Legislature to fund the \$52.7 million backlog of unpaid solar energy rebates.
- Supports funding for My Safe Florida Home to harden buildings against windstorm impacts in conjunction with weatherization funding provided by the U.S. Department of Energy.
- Supports legislation that would provide technical assistance and funding for local governments to review and revise their comprehensive plans and land development regulations or codes to incorporate climate change mitigation and adaptation planning strategies.
- Supports alternative water supply funding to support communities vulnerable to climate change and saltwater intrusion.

ENVIRONMENTAL REGULATIONS

The Board has long valued its ability to protect the County's natural resources, including its sole source aquifer, the Biscayne Aquifer, through environmental regulatory programs such as surface water management, pollution prevention, natural systems and air quality. The Board opposes any legislation that lessens environmental protection at the local level, including preemption of local environmental regulatory authority such as through uniform statewide rules and standards on issues related to environmental regulations and enforcement. The Board opposes any reduction of funding to local environmental programs, particularly funding from the Inland Protection Trust Fund and the Air Trust Fund. In addition, the Board opposes any efforts that would negatively impact the County's ability to regulate air and water quality or the County's wetlands and marine resources, including through its delegated authority to implement the state Environmental Resource Permit (ERP) Program.

EVERGLADES RESTORATION

The Board supports Everglades restoration, recognizes that improving water quality is a key component to restoring the Everglades and supports land acquisition as a means to achieve water quality benefits. On August 12, 2010, the South Florida Water Management District (SFWMD) Governing Board approved the initial purchase of approximately 26,800 acres of land with the option to purchase the remaining 153,000 acres of land as part of the River of Grass Acquisition. This initial acquisition will provide meaningful water quality and environmental improvements to the Everglades. The Board supports the River of Grass Land Acquisition and the recent SFWMD decision to acquire 26,800 acres of land for Everglades restoration.

The Board recognizes that Everglades restoration is key to regional climate change mitigation and adaptation efforts. The expansive acreage of the Everglades and further enhancements to be gained through the proposed River of Grass land purchase provide the most significant opportunities for vegetative carbon sequestration in South Florida. Furthermore, rehydration of the Everglades will help to ensure adequate freshwater supply in the face of rising sea levels. The Board supports continued Everglades restoration as part of a regional climate change strategy.

FLORIDA FOREVER AND SUCCESSOR PROGRAM

Florida Forever is critical to preserving and protecting the state's endangered natural resources. The Board supports the state's Florida Forever successor program and urges the Legislature to continue funding this landmark land acquisition program.

WATER POLICY

The Board supports Florida's existing water law that is based on the principles that water is a public resource and that water allocations may not be sold or transferred. The Board supports current law, which provides sufficient protection for water and natural resources while also providing for reasonable and beneficial uses of water for the public. The Board opposes any efforts to modify Chapter 373 in a way that would significantly amend the fundamentals of existing Florida Water Law. The Board further opposes any efforts to establish a statewide, centralized water authority to oversee statewide water distribution with potential implications for local water supply and water resource management. The Board supports policies that recognize conservation activities as a viable water supply planning option, reduce the need to develop other alternative water supplies, and projects which can be offset by conservation strategies. The Board supports funding for water conservation activities that provide measurable results. The Board supports policies that offer local governments flexibility in the pursuit of alternative water supplies and consideration of regional, multijurisdictional water supply projects, as well as dedicated and continued funding for Alternative Water Supply projects and legislative changes that would improve the project planning and development process to better meet the growing water supply needs of the County.

WATER QUALITY

The Board supports the protection of surface waters and groundwater and the establishment of numeric water quality standards that are scientifically defensible. The Board supports the establishment of standards that protect existing water quality and the designated uses of surface waterbodies and connected downstream systems. The Board opposes the establishment of numeric water quality criteria that are unnecessarily restrictive, do not reflect the range of water quality capable of supporting a designated use, and those that do not allow for the natural variability measured in aquatic ecosystems.

FINANCE AND TAX

Counties need a revenue base that serves local needs and adequately finances the services and programs required by state and federal mandates. Taxpayer Bill of Rights (TABOR) and other proposals seeking to limit the growth of ad valorem taxes have been considered during recent sessions of the Legislature. In many cases, these proposals are one-size-fits-all measures that cap local government spending and revenue to a defined base amount, plus inflation and population growth, or establish an unrealistic "aggregate" property tax cap. The effects of the ongoing recession along with revenue reductions resulting from the 2008 passage of HB 1B and Amendment 1 have strained the County's ability to provide needed services to its residents as well as restricted the future recovery of revenue growth. These provisions would further limit local governments' already decreasing tax base and stress the County's continued obligation to provide essential services and ensure a good quality of life for its residents. Accordingly, the Board opposes any legislative or constitutional efforts to impose expenditure or revenue caps on local governments. The Board also opposes any efforts that further erode the capability of local governments to fulfill their financial obligations or provide necessary services to their residents. The Board further opposes reductions or exemptions to current state tax revenue sources, unless replacement funding sources or reductions in mandates are included.

COMMUNICATION SERVICES

The advent of communications technology presents considerable opportunities for counties to enhance the quality of life in communities by providing regulatory powers over communication services in order to protect the health, safety and welfare of the public. There are significant fiscal and policy implications that will require prompt and thoughtful decisions about zoning, taxation, consumer protection and local government infrastructure. The Board supports establishing an equitable system that promotes improvements to the state and local tax and fee structure for products and services that will strengthen Florida's economy while maintaining revenue neutrality for local governments. The Board supports the preservation of local government's responsibility to manage public resources, including but not limited to, public rights-of-way.

STREAMLINED SALES TAX

The Board opposes federal efforts to institute a permanent ban prohibiting states from collecting sales taxes on online commerce, given that such a ban would have serious financial consequences for state and local governments. The Board supports legislation to bring Florida law into compliance with the Streamlined Sales Tax Agreement to simplify and modernize the state's sales and use tax administration and collection, and allow the state to require that remote vendors collect and remit Florida's state and local option sales tax. The sales tax revenue loss from increasing e-commerce sales is, and has been, detrimental to Broward County and specifically to cultural programs that receive funding from this revenue source.

TOURIST DEVELOPMENT TAX

The Board opposes the use of any tourist development taxes collected in Broward County for any project not wholly contained in, and for the sole benefit of, Broward County residents and visitors.

HEALTH AND HUMAN SERVICES

Broward County recognizes the importance of providing basic human services to protect and assist residents in need and has demonstrated its commitment to residents by providing County funding for the delivery of health and human services with the purpose of promoting wellness and achieving self-sufficiency.

- The Board supports local involvement in the formulation and implementation of policies that protect the health, mental health, safety and welfare of Florida's residents.
- The Board supports the establishment of formalized data sharing processes between state agencies, counties, cities and locally-funded programs for planning and reporting to funders and other boards to streamline and reduce service duplication.
- The Board supports local involvement in the formulation, selection and implementation of any local "Management Entity" that may be contracted to distribute Department of Children and Family, substance abuse and mental health funding designated for Broward County residents.
- The Board supports legislation revising definitions of incapacity and incompetence and clarifying health care surrogate and living will directives.
- The Board supports community resources to assure individuals with disabilities reside in the least restrictive settings, with appropriate, associated long-term care.

CHILDREN'S SERVICES

The Board opposes any legislation that erodes the ability of local, voter-approved entities to determine the best use of local resources. The Board supports the continuation of local, voter-approved, independent bodies, with a dedicated and stable funding source that improves the lives of the county's children.

HIV/AIDS

The Board supports adequate and equitable funding for human services from state agencies' budgets and opposes any funding reductions by the state in the areas of health, HIV core medical services, mental health substance abuse, and services to children, families and the elderly, recently incarcerated and those transitioning back to communities, including the homeless.

The Board supports expanded access to the Florida AIDS Drug Assistance Program (ADAP) by locating program services in community health centers and pharmacies. The Board supports patient adherence and increased availability of Antiretroviral and Opportunistic Infection medications, as well as over the counter medications required by low income and uninsured HIV positive persons to successfully manage their disease. The Board supports implementation of National HIV/AIDS Strategy goals in state funded programs.

Beginning June 1, 2010, Florida ADAP instituted a waiting list for the program and beginning August 1, 2010, the Florida ADAP formulary was limited to include only Antiretrovirals and Opportunistic Infection medications. The Board supports restoration of full funding of the Florida ADAP in order to: 1) significantly reduce or eliminate the increasing number of individuals put on ADAP waiting lists since June 1, 2010; and 2) restore the drugs removed from the Florida ADAP formulary, access to which is vital to effectively treat and manage chronic conditions common among individuals living with HIV/AIDS.

HOMELESSNESS

The Board opposes inappropriately discharging persons from publicly funded institutions, such as hospitals, foster care and prisons, who are homeless and in need of step-down shelter and housing. The Board supports efforts to promote housing-first strategies throughout the state of Florida as part of the homeless services continuum of care. The Board supports legislation that provides tax credits to businesses that hire and continuously employ homeless individuals who reside in transitional or permanent shelters or housing facilities.

INSURANCE COVERAGE PARITY AND NON-DISCRIMINATION

The Board supports a health insurance mandate requiring any size health insurance plan, including individual plans, to cover early detection, therapy services and other forms of treatment for children under 18 years of age with developmental disabilities, including Down's Syndrome and spina bifida.

The Board supports efforts to encourage living organ donation, which include, but are not limited to, ensuring individuals donating organs and/or bone marrow are not denied health insurance coverage throughout the voluntary procedure, nor excluded from health or life insurance coverage subsequently, on the basis of having a "pre-existing" medical condition. The Board supports adequate Medicaid reimbursement for all organ transplants at the same rates used by Medicare or use of a global fee which takes into account actual costs.

The Board supports insurance parity legislation, requiring coverage for behavioral health services and ensuring behavioral health care is provided through general health insurance policies.

The Board supports individuals and families receiving access to a full range of mental health and/or substance abuse treatment options through private and public health insurance plans.

JAIL HEALTH CARE COSTS

The Board supports providing health care to inmates at a rate no higher than 10 percent above Medicaid reimbursement rates.

MEDICAID REFORM PILOT

Broward County is one of five counties which has participated in the five-year Medicaid Reform Pilot Program. The current waiver for the Medicaid Reform Pilot Program expires June 30, 2011. The Board opposes extending Medicaid Reform and supports the creation of a medical program that ensures equitable access to services, provides improved prescription services and includes flexibility for participants based on their medical and financial needs. The Board opposes any legislation that shifts costs to counties resulting from reform or budget deficits or that diverts county funding to managed behavioral health care programs. The Board supports unrestricted access to medication, the exemption of psychotropic medication from restricted formularies and opposes Medicaid's Restrictive Prescription Drug Formulary.

The Board supports excluding transplant clients and others in need of catastrophic health care services from the Medicaid Reform Pilot program in order to ensure their ability to receive services.

MEDICALLY NEEDY FUNDING

The Board supports the continued funding of the Medically Needy Program to assist residents with their prescription needs and supports the reduction of the amount of the co-payment.

OLDER ADULTS

The Board supports cost-effective, evidence-based programs serving frail elders and allowing older adults to "age in place." The Board supports funding of Aging Resource Centers (ARC) to coordinate long term care services for seniors and opposes efforts to increase counties contributions to Medicaid Nursing Home share.

SUBSTANCE ABUSE

Broward County is committed to programs that assist in linking people with substance abuse issues into care to help prevent the transmission of blood borne diseases that are spread through exchange of used syringes. The Board supports efforts to remove legal barriers on the use of funding for disease prevention for evidence-based syringe exchange programs.

The Board is committed to addressing the continuing social and medical problems of pain prescription abuse and treatment. The Board supports legislative approval of rulemaking related to the regulation of

pain management clinics or “pill mills.” The Board opposes any additional delay in the implementation of the Prescription Drug Monitoring Program to more effectively track and monitor prescription writing and purchases. In addition, the Board supports funding the Prescription Drug Monitoring Program.

The Board is committed to preventing the proliferation of the sale and use of new drugs, such as synthetic marijuana.

HOUSING AND URBAN DEVELOPMENT

ATTAINABLE HOUSING

Broward County, as well as the state of Florida, has a large unmet demand for rental housing. In order to adequately meet the needs of our population, the Board supports legislation that would provide funding solutions that could be implemented locally in order to fund affordable housing projects and programs.

Additionally, the Board urges the Legislature to remove the cap that was placed on the Sadowski Trust Fund and allocate all available funds to offer relief for our existing and future residents. The Board urges the Legislature to ensure that 30 percent of the affordable housing units developed with tax supported funds are designated to serve households earning 30 percent or less of the respective area median income. The Board urges the Legislature to require the Florida Housing Finance Corporation to modify the Qualified Allocation Plan to allocate tax credits by a needs-based system, rather than the current system of a lottery. In addition, all affordable housing programs/resources should be allocated on a needs and affordable population basis.

GROWTH MANAGEMENT

The Board opposes the weakening of Florida’s growth management laws, as adopted by the Legislature in 2009, and supports legislation to restore state growth management requirements. The Board supports the provision of adequate time frames for local governments to satisfy changes in growth management legislation. The Board opposes legislation that would restrict the county’s ability to assess and collect impact fees in order to mitigate the impact of new development on public facilities and services.

Through its home rule authority and Charter, ratified by a vote of the public in 1974, Broward County was granted the authority to coordinate all countywide land use planning through the Broward County Planning Council. The Board opposes legislation which would limit the County’s land use planning authority. Furthermore, the Board supports retaining and strengthening local government land use controls over the siting of any mines, power plants, transmission lines, substations and other energy infrastructure.

The Board supports the existence of a state land planning agency to deal with planning issues of statewide concern and to ensure consistency throughout the state. Should the Legislature eliminate the state’s current land planning agency, the Board supports delegating review authority over issues of regional significance to regional planning councils.

JUSTICE AND PUBLIC SAFETY

ARTICLE V COSTS

Article V, §14, of the State Constitution divides the funding responsibilities for the state courts system, state attorneys, public defenders, court-appointed counsel, and clerks of the circuit and county courts, between the state and Florida’s 67 counties.

The state must, through state revenues appropriated by general law or through filing fees in the case of the clerks of court, fund salaries, costs and expenses associated with the personnel, operations and certain capital improvements for the state courts system, state attorneys, public defenders, court-appointed counsel and clerks of the circuit and county courts. Counties are responsible for funding communication

services, existing radio systems and multi-agency criminal justice information systems, the construction or lease of facilities and their maintenance, utilities, and security for the state court system, state attorneys, public defenders, and clerks of the circuit and county courts, and the reasonable and necessary costs associated with specialized local court programs.

Despite the clear division of Article V funding responsibilities in the state constitution, the Legislature has continued to expand the counties' responsibilities to fund the state's court system and associated elements, such as creating new Offices of Criminal Conflict and Civil Regional Counsel (OCCRC) and expanding counties' responsibilities for funding guardian ad litem offices. The First District Court of Appeals has found the Legislature's mandate that counties provide funding to OCCRCs to be unconstitutional, although a Florida Supreme Court decision in that matter is currently pending.

The Board strongly urges the state to take responsibility for fully funding the state's court system and opposes the Legislature's continuing efforts to expand counties' funding responsibilities beyond the specific items authorized in Article V, §14(c) of the State Constitution. The Board calls on the Legislature to repeal existing statutory provisions which mandate that counties fund OCCRCs and require counties to automatically fund certain court expenditures by 1.5 percent over the prior fiscal year funding levels. The Board supports the continuation and enhancement of the recording fee distributed to counties to fund the court-related technology needs of the state attorneys, public defenders, and state trial courts, but opposes further expanding the use of this fee to other entities as it diminishes the funds available to pay for the needs of the courts, state attorneys and public defenders. The Board further supports the continuation and enhancement of other state imposed and local option court costs and fees, along with providing flexibility in using such costs and fees, to fund court-related local programs as deemed appropriate by counties.

CIVIL RIGHTS / HUMAN RIGHTS

The Board supports full implementation of federal and state civil rights laws that protect persons against discrimination on the basis of race, color, religion, sex, national origin, age, disabilities and marital status. In addition, the Board supports and urges the enactment of federal and state legislation that prohibits discrimination on the basis of gender identity and sexual orientation.

The Board supports the establishment of a statewide domestic partnership registry.

COMMUNICATION SERVICES - FIBER OPTIC ACCESS

Broward County desires to actively participate in expanding high-speed data transmissions between multiple government facilities to more cost-effectively deliver communication services. To this end, the Board supports legislation allowing unused fiber optic communication assets owned by federal and state agencies to become available for local government use.

EMERGENCY PREPAREDNESS AND MANAGEMENT

The Board supports a viable, fully-integrated, and coordinated local, state and federal disaster response structure. County emergency managers are the first to respond to citizens and visitors during all emergencies, including terrorism and natural disasters. There are real and ongoing financial challenges for local governments, particularly for law enforcement and other first responders.

The Board supports an "all hazards" approach to emergency management, allowing local emergency managers the highest degree of flexibility in the expenditure of state and federal funds. Further, the Board supports an increased commitment from the state to assist its emergency management partners in responding to all emergency situations.

HOMELAND SECURITY

Improvement of security measures has been given top priority at all levels of government. The Board supports expanding a close working relationship with federal, state and local government agencies to improve homeland security. Recognizing that local government is usually the first responder in crisis situations, partnership support and funding from all higher levels of government is essential. Security enhancements at Port Everglades and the Fort Lauderdale-Hollywood International Airport are of the highest priority to the County. The Board supports state funding for equipment and technology to implement the Port and Airport security programs.

JUVENILE JUSTICE

The Board opposes any efforts to shift additional Department of Juvenile Justice costs to counties and further opposes counties compensating the state for any unfunded mandates regarding juvenile justice. The Board supports legislation that establishes a set per diem rate for juvenile pre-adjudicatory secure detention care not to exceed the post-adjudication per diem rate. The per diem rate should not include the cost of any personnel headquartered in Tallahassee or cost associated with any closed or unused portion of the detention facility. The Board also opposes any mandated payments for secure detention care that exceed the pro-rata share for a secure detention facility located within its geographic boundaries. The Board supports legislation that provides for counties input into the development and approval of the annual operating budget of the secure detention facility located within its geographic boundaries. The Board supports legislation that provides opportunities for counties to develop, invest in and implement alternatives to divert children and youth from secure detention facilities. The Board supports legislation that improves the accountability of the educational systems within juvenile detention facilities.

TRANSPORTATION

Broward County is committed to providing a wide array of transportation options for residents, visitors and commercial entities including public transit, airports, seaports, roads, bridges and multi-purpose facilities. The Board supports continued state funding for operations, maintenance, and capital for transit, airport and seaport projects as well as access to airport and port international trade databases. The Board supports state legislation and funding that promote safe, efficient regional interconnectivity and supports legislation that would reduce the local share for the statewide Transportation Regional Incentive Program (TRIP) to less than 50 percent. The Board supports greater fairness and equity in the distribution of state appropriations through formula-based methodologies and also supports an increase in toll revenues for transportation improvements, operations and maintenance.

The Board supports state legislation granting local governments maximum flexibility in planning and funding for viable transportation systems and infrastructure and opposes legislation that pre-empts local government authority to regulate the impact of current and future Florida Department of Transportation projects.

The Board supports preserving current law, which authorizes charter counties that adopted a charter prior to January 1, 1984, and county governments that have consolidated with one or more municipalities, to levy a 1-cent local option transit system sales tax and the discretion to distribute these revenues to municipalities pursuant to an inter-local agreement. The Board further supports a dedicated funding source for regional transportation.

The Board opposes state legislation that preempts counties from regulating aggregate mining siting; although, the County understands the importance and need for aggregate in the region as a way to reduce costs for construction and transportation projects.

PORT EVERGLADES

Port Everglades (PEV) is recognized as one of the world's leading cruise ports, as well as Florida's leading containerized cargo seaport. As the port of entry for most of the petroleum products distributed to users in 12 counties, petroleum companies at the Port provide jet fuel for three international airports in the tri-county region. Port Everglades serves as a major regional economic engine with the ability to convert trade opportunities into real jobs with real incomes and, in so doing, to grow the state's tax base. At present, PEV supports approximately 143,000 jobs statewide and generates \$400 million in state and local taxes.

The Board supports:

- Increasing the minimum statutory funding level for seaports to \$30 million annually and authorizing an extension of seaport development bonding capability. This will allow Florida seaports to better compete in the global economy and create new jobs and revenues by constructing strategic infrastructure. In 2009, the maritime cargo activities at Florida seaports were responsible for generating more than 550,000 direct and indirect jobs with an average annual wage of \$54,400 and creating \$66 billion in total economic value. The return on this 2009 investment generated \$1.7 billion in state and local tax revenues.
- A regionally-based, multi-modal project investment strategy to improve Florida's statewide trade infrastructure to make Florida self-sufficient in servicing its consumer population. This will create a competitive transportation delivery system and enable Florida to compete in a global economy while reducing the state's carbon footprint. Rail connectivity to our major urban-area seaports is a priority. Current freight distribution patterns in the West-East movement of goods from Asia reflect that approximately 70 percent of Florida's imported consumer goods are delivered to Asians on non-Florida transportation systems. 50 percent comes from the West Coast of the United States and 20 percent via transportation and distribution systems developed by the state of Georgia (via the Port of Savannah) to Florida consumer markets in Orlando and cities north of Orlando.
- Specific state initiatives directed at inducing international trade companies to locate or expand their facilities within Florida, thus fostering stronger economic relationships with our trading partners. Initiatives may include incentives for businesses to increase imports or exports through a Florida seaport, rewarding existing companies for expanding their seaport business and/or attracting international shippers to the state, and/or tax credit incentives for public-private partnerships to build related seaport infrastructure projects.
- Prioritizing a portion of Florida Strategic Intermodal System (SIS) program funds and/or identifying a new strategic funding source to include an SIS/Freight Mobility Program designed to receive the flow of federal dollars and leverage new federal funds for those priority projects contributing to Florida's job growth and economic stability. This is necessary so Florida seaports can respond to global business opportunities, including the expansion of the Panama Canal in 2014.
- Adoption of a single criminal history background check process, based on the federal criminal history background check process for Florida seaport workers in order to authorize their unescorted access to secure or restricted areas of vessels and facilities.
- State funding for maintenance of existing security infrastructure, equipment and technology required to meet federal and state security mandates. Florida remains the only state with a separate statutory security regulation above and beyond new and expansive federal and international requirements.
- Rules prohibiting the elimination, deferral, or delay of capacity improvement projects contained in the first three years of the Florida Department of Transportation five-year Work Program.

- Full implementation of Chapter 2010-201 would eliminate unnecessary roadblocks that inhibit economic development at Florida seaports by streamlining environmental permitting, comprehensive plan regulations and other regulations.
- Statewide, multi-state and federal collaboration to solidify economic partnerships between governments and the maritime private sector in order to cohesively seek funding for economic development initiatives and critical improvements to Florida's multi-modal transportation system.

LOCAL BILLS - Section Five

BROWARD COUNTY SENIOR SERVICES COUNCIL

Creates the Broward County Senior Services Council with authorization for taxing authority approval at referendum.

CITY OF PARKLAND ANNEXATION

Extends and enlarges the corporate limits of the City of Parkland to include four specific parcels within the unincorporated Wedge area. All but one of the property owners have requested that their properties be annexed into the City of Parkland.

MUNICIPAL ELECTION QUALIFYING PERIOD

Provides for uniform qualifying periods for municipal elections in Broward County that are scheduled in November.

NORTH SPRINGS IMPROVEMENT DISTRICT

Extends the boundaries of the North Springs Improvement District to include the Wedge area for the purpose of providing water, wastewater and drainage services and facilities to certain parcel owners.

SOUTH BROWARD DRAINAGE DISTRICT

Deletes and updates obsolete provisions and revises inconsistent provisions so as to provide consistency in the District's charter.

SPECIAL ASSESSMENT TO FUND MUNICIPAL LAW ENFORCEMENT

On behalf of the City of North Lauderdale, authorizes a special assessment levy by Broward County municipalities to fund law enforcement services.

TOWN OF SOUTHWEST RANCHES CHARTER AMENDMENT

Eliminates previously repealed language and makes ministerial changes in the Town's Charter.

NOTES





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