

MONROE COUNTY STATE AND FEDERAL LEGISLATIVE PRIORITIES 2013



MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

February 20, 2013

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

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STATE LEGISLATIVE PRIORITIES 2013

WASTEWATER INFRASTRUCTURE:

SUPPORT year two of four year appropriation program for \$50 million per year in state funding for a total of \$200 million to finance the construction costs of mandated wastewater improvement projects in the Florida Keys.

SUPPORT HB 467/SB 698: proposed amendment to F.S. 215.691(1)(a)(2) which would clarify that the Rep. Mayfield Restoration Bonds proceeds can be used for wastewater improvement projects throughout Monroe County including the City of Key West.

COUNTY SHARE OF COSTS FOR MEDICAID SERVICES:

SUPPORT the dissolution of the current county-state Medicaid contributory relationship in a manner that absolves counties of the financial responsibilities related to the provision of Medicaid services in Florida, eliminates associated administrative burdens for the counties and the state; and equitably mitigates any potential fiscal impact for all affected parties. Reforming the current system of bureaucratic administration of county/state Medicaid billing will save tax dollars. *However*, absent the identification of strategies to achieve the goals above, Monroe County **SUPPORTS** retaining the current Medicaid billing system, but only with certain statutory modifications that should include: (1) allowing counties to review their bills prior to payment; (2) allowing counties to pay from a revenue source of our own choosing within a specific time period; (3) allowing the state to withhold county revenue sharing for nonpayment within a specific time period; and, (4) requiring the state in consultation with the counties to develop an accurate, reliable, and equitable billing process.

CITIZENS/WIND INSURANCE:

SUPPORT legislative efforts to provide more accurate insurance rates to residents of Monroe County, and **SUPPORT** efforts to improve affordability and preserve availability of coverage in areas where there is no reasonable degree of competition for windstorm insurance.

TRANSPORTATION INFRASTRUCTURE FUNDING:

SUPPORT continuing enhanced state funding for road and bridge infrastructure, maintenance, and improvements. Support the Small County Outreach Program (SCOP). This funding is critical to Monroe County which is a small county with major bridge and local road responsibilities.

RESTORE ACT:

SUPPORT coordination with local, state and federal stakeholders to ensure funding for critically important environmental projects for the Florida Keys.

UNFUNDED MANDATES AND HOME RULE:

OPPOSE unfunded mandates, pre-emption of local government authority, or other legislation that is costly or detrimental to Monroe County's ability to serve the needs of its citizens.

LEGISLATIVE ISSUES OF IMPORTANCE

FINANCE/REVENUE:

***Communications Services Tax:** **SUPPORT** amending and/or revising current legislation in a manner that ensures that this tax remains revenue neutral and a locally controlled revenue and removes competitive advantages within the industry by providing similar tax treatment to similar services.

***Local Business Tax:** **OPPOSE** legislation that would provide for the elimination or reduction of the local business tax, or reducing its flexibility in use.

Tourist Development Tax/Sales Tax: **SUPPORT** legislation that would clarify that online travel companies are liable for tax on the difference between wholesale and retail price of lodging.

Local Discretionary Revenue Flexibility: **SUPPORT** modifications to existing laws governing local discretionary revenue sources to provide greater flexibility and more efficient administration and management.

Specific County Based Appropriations: **SUPPORT** maintaining current state appropriations critical to the delivery of public services at the county government level as it relates to currently funded county-based appropriations in the SFY 2013-2014 budget.

State funding for key infrastructure: **SUPPORT** state funding for critical and job-creating infrastructure such as wastewater, roads and bridges; and legislation that provides additional local revenue sources for fund public infrastructure needs and/or greater flexibility in levying and using currently authorized local revenue sources.

Florida Retirement System: **OPPOSE** any benefit changes that result in a further increase in the FRS contribution rates or a reduction of benefits without grandfathering or retaining existing calculation of benefits for existing employees.

Transparency Florida: **SUPPORT** legislation that would allow counties to voluntarily develop standards to comply with the 2009 Transparency Florida Act.

Public Notice: **SUPPORT** legislation allowing local governments to comply with public notice and legal advertisement requirements by means other than the newspaper.

GROWTH MANAGEMENT / ENVIRONMENT

* **HB 375: SUPPORT amendment** to this proposed bill to further amend 381.0065(4) to address conflicting permitting and timing requirements in the statutes, and enable homeowners to extend their building permits until central sewer is in place (and thus relieving them of the burden of designing and permitting onsite systems that will not be built or hooked up to their homes because they are required to hook up to central sewer), while preserving safeguards to adequately protect water quality.

* **SB 584/HB 901 Public Land Acquisition: OPPOSE** this proposed bill that restricts state, county and city government purchases of conservation land, and which would effectively eliminate land conservation efforts in the Florida Keys.

Oil Spill Protections: SUPPORT the recommendations of the Florida Commission On Oil Spill Response Coordination for changes to state and federal laws and regulations which will improve response capabilities and processes to protect Florida's communities and natural resources, per their December 2012 report "Recommendations for Improving Oil Spill Planning and Response Capabilities in Florida." ¹

Florida Forever: SUPPORT the continuation of the Florida Forever land acquisition program, to the extent the program is sufficient to acquire land for the protection of natural resources. **SUPPORT** legislation that would require land acquisition projects to be ranked according to their consistency with the local comprehensive plan.

Area of Critical State Concern: SUPPORT the continued designation of the Florida Keys as an Area of Critical State Concern.

Florida's Growth Management Framework: SUPPORT legislative efforts that strengthen the existing roles and home rule powers of local governments to implement comprehensive planning programs that guide future development and encourage the most appropriate use of land and natural resources. **OPPOSE** legislation that erodes county authority to regulate development pursuant to the Growth Management Act of 1985.

State's Role in Growth Management: SUPPORT state role in growth management that recognizes the fundamental principle of county home rule power, which enables counties to develop local solutions to local problems; fosters partnerships with counties to ensure local planning goals are realized; provides an appropriate vision and strategy for how the state should grow; provides funding for key infrastructure systems; and provides appropriate oversight in land use matters to minimize extra-jurisdictional conflicts.

Environmental Regulation and Permitting: OPPOSE legislation that prevents counties from having local environmental programs that are stricter in nature than state or federal regulatory programs. **SUPPORT** legislation that is thoroughly vetted with all stakeholders, and that takes a targeted approach to increasing regulatory efficiencies, rather than broadly preempting local governments.

¹ This report can be found at: <http://www.dep.state.fl.us/deepwaterhorizon/commission.htm>

Proportionate Fair-Share Mitigation: **OPPOSE** further legislative changes to the proportionate share funding process prevents counties, under certain circumstances, from charging a development its fair share of road improvements necessary to support that development. **SUPPORT** changes in law that gives counties the option of using the proportionate share process and modifying the proportionate share language to allow local governments to determine if the proportionate fair share payment is adequate to satisfy the requirements of the local government concurrency management system, and to modify the proportionate fair share language in statute to ensure that local governments can charge each development its proportionate share of road improvements when the road is currently deficient or when development causes the road to operate below its adopted level of service.

Concurrency: In the absence of state-mandated transportation concurrency, and to ensure that the roads needed to support new development are concurrent with the impacts of that development, **SUPPORT** county home rule authority, and current statutory provisions, which allow counties retain their current transportation concurrency systems, as adopted by local ordinance.

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

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

Vessels and Waterways: **SUPPORT** continued state funding of derelict vessel removal. **SUPPORT** continued state and local regulation of vessels, mooring fields, bulkheads and seawalls, floating vessel platforms, and seagrasses in order to protect water quality. **OPPOSE** further dilution of county authority to regulate vessels and waterways.

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

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

Beach Renourishment: **SUPPORT** continuation of a dedicated state funding source for beach renourishment at or above statutory levels.

Water – Onsite Wastewater Treatment: **OPPOSE** legislation that would prevent counties from requiring mandatory hookup to central sewer. Local governments are best equipped to determine how to properly balance environmental concerns with the

cost of providing for wastewater treatment to homeowners and businesses, whether by centralized sewer, advanced treatment units, performance based onsite wastewater systems, or conventional or passive onsite systems.

Water Quality – Numeric Nutrient Criteria: **SUPPORT** science-based numeric nutrient criteria for Florida’s water and the DEP’s Numeric Nutrient Criteria Rule as a replacement for the federally promulgated numeric nutrient criteria.

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

LIBRARIES

Libraries: **SUPPORT** measures that ensure decisions and policies regarding county libraries are made at the local level. **OPPOSE** legislation that allows individuals to bring civil causes of action against counties relating to internet filtering devices and/or policies. **SUPPORT** full funding of State Aid to Libraries based on the current statutory formula that provides counties 25 cents for every local dollar spent. As an interim step in accomplishing full funding, **SUPPORT** a \$10 million increase in state aid to public libraries. **SUPPORT** full funding of Public Library Construction Grant requests at \$12.4 million.

HEALTH AND SOCIAL SERVICES

Behavioral Health System: **SUPPORT** appropriate funding for core mental health and substance abuse services. **SUPPORT** continued efforts to work through Medicaid reform initiatives to ensure that persons with substance abuse and mental health treatment needs are appropriately served. **SUPPORT** efforts to increase supportive housing, employment and education initiatives for people with behavioral health issues and/or disabilities.

Baker Act: **SUPPORT** appropriate funding as outlined in the existing state capacity formula for crisis mental health and substance abuse beds statewide. **SUPPORT** increased funding for public receiving facilities and maintaining funding for public facilities if new state general revenue is provided to private receiving facilities.

County Health Departments (CHDs): **SUPPORT** maintaining state general revenue funding for CHDs, and **OPPOSE** any state reductions to the County Health Department Trust Funds. **SUPPORT** maintaining a coordinated system of county health departments (CHDs) that is centrally housed within the Department of Health (DOH). **OPPOSE** efforts to decentralize the public health system by transferring authority over CHDs from the DOH to the respective county governments. **SUPPORT** 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. **OPPOSE** efforts, legislative or otherwise, to limit or eliminate the provision of primary care services in CHDs.

Transportation Disadvantaged (TD): **SUPPORT** the continuation of a coordinated Transportation Disadvantaged (TD) system. **SUPPORT** appropriate and dedicated state funding for the TD program. **SUPPORT** efforts to protect the TD trust fund.

Healthy Families: **SUPPORT** continuation of funding for the Florida Healthy Families program.

Homelessness: **SUPPORT** the development of strategies that would allow local governments to work with the state and federal government to serve homeless population. **SUPPORT** restoring state funding for programs that serve the homeless. **SUPPORT** a process that would waive the fees related to obtaining personal identification from the state for persons identified as homeless. **SUPPORT** continued coordination with the State's homeless planning council, specifically as it develops policies in support of the new Federal Strategic Plan to End Homelessness.

CRIMINAL JUSTICE

Mentally Ill and Substance Abuse: **SUPPORT** increased funding of the Criminal Justice Mental Health and Substance Abuse Reinvestment Grant Program with recurring dollars in a trust fund. **SUPPORT** sustainable matching state funds to counties that have received both planning and implementation Reinvestment Grant funds.

Inmates with Medicaid Eligibility: **SUPPORT** expanding Medicaid enrollment eligibility to individuals incarcerated but pending disposition of charges (pre-trial detainees) pursuant to the Affordable Care Act to help lower recidivism and reduce costs to counties for medical care.

Shift of Prison Inmates to Jails: **OPPOSE** the state shifting inmates with less than a year on their sentence at the time of sentencing to jails instead of prisons.

Juvenile Detention: **SUPPORT** the dissolution of the current shared County-State Detention relationship in a manner that eliminates the administrative burdens for all parties and establishes a more collaborative and equitable detention model.

TRANSPORTATION

Rural Transportation Funding: **SUPPORT** continuing enhanced state funding for the Small County Outreach Program (SCOP). This funding is critical to Monroe County which is a small county with major bridge and local road responsibilities.

Uniform Minimum Standards of County Roads/Roadway Maintenance: **SUPPORT** amending s.336.045, Florida Statutes, to include an additional paragraph expressly authorizing Florida counties to determine the reasonable level and frequency of local road maintenance.

Transportation Regional Improvement Program (TRIP): **SUPPORT** redirecting the 2009 Motor Vehicle License Fee, Title Fee, and Initial Registration Fee surcharges from the General Revenue Fund to the State Transportation Trust Fund.

EMERGENCY MANAGEMENT

Emergency Operation Centers (EOCs): **SUPPORT** 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.

Disaster Funding: **SUPPORT** a 50/50 cost-share arrangement with the state for the non-federal portion of the Hazard Mitigation Grant Program (HMGP). **SUPPORT** the current HMGP fund allocation and project selection process developed by the DCA, and as defined in Rule 9G-22, Florida Administrative Code. **SUPPORT** the creation of an emergency bridge loan program for counties to provide a source of expedient cash flow to counties impacted by a major catastrophe.

SUSTAINABILITY

Energy: **SUPPORT** legislation that provides incentives for local governments to assist in state energy policies such as green building and carbon emission reductions. **SUPPORT** legislation that would provide technical assistance funding for counties in implementing carbon emission reduction programs. **OPPOSE** legislation that would result in additional energy-related mandates to county government without funding for implementation.

Climate Change/State Comprehensive Climate Action Plan: **SUPPORT** a state comprehensive climate change action plan, energy policies, and other initiatives to reduce carbon dioxide and other compounds in the atmosphere which will help provide solutions to present and future generations, including ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic growth and prosperity. Specifically, **SUPPORT** state and federal legislation that recognizes adaptation and mitigation as critical climate change issues. Additionally, **SUPPORT** state funding sources to assist local governments in developing and implementing necessary climate change initiatives. **SUPPORT** legislation that creates a Clean Portfolio Standard (CPS) for the State of Florida. Alternatively, **SUPPORT** a Renewable Portfolio Standard (RPS) for Florida.

Solar: **SUPPORT** legislation that streamlines permitting and regulatory processes for solar products and installers. **SUPPORT** legislation that allows manufacturers of solar products to train contractors and supervise the installation of their products, without being required to obtain a contracting license.

Federal Energy legislation: **SUPPORT** federal legislation that adopts stricter fuel efficiency standards at the national level to ensure uniformity of regulation. **SUPPORT** fully funding the Federal Green Jobs Act of 2007.

Recycling: **SUPPORT** legislation that provides appropriate resources and incentives to local governments to achieve any statewide recycling goals. Any recycling plan promulgated by the state must take markets into account, as well as the fiscal situation that local governments are currently facing. **OPPOSE** legislation that imposes fees or taxes on local governments for collecting waste, which is an essential governmental service. **SUPPORT** removing the exemption in s.403.7046(3), F.S., that prohibits local government from requiring commercial establishments that generate source-separated recovered materials to convey such materials to the local government or to a facility designated by the local government for recycling.

Solid Waste Management: **SUPPORT** reinstating state funding of Solid Waste Management Grants.

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

FEDERAL LEGISLATIVE PRIORITIES 2013

RESTORE ACT

- Continued **SUPPORT** for the **Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012**, and on-going coordination of all parties to ensure the funding of programs and projects related to the environmental and economic health of the Gulf coast, including the **Water Quality Protection Program** of the Florida Keys National Marine Sanctuary.

The program's goal is to protect the fragile, extremely valuable and unique Florida Keys ecosystem that supports essential habitats and precious sea life throughout the Gulf region. It supports over 6,000 species of fish, invertebrates and plants, including the only living coral reef in the continental United States. This ecosystem supports a fisheries and tourism-based economy that generates \$6B of economic activity per year.

The program, mandated by Congress and developed jointly with EPA, NOAA, the State of Florida and the County of Monroe, is a comprehensive set of fully vetted and scientifically-based projects centered on critical ecosystem components: near shore water quality (wastewater and storm water infrastructure), coral reef preservation, sport and commercial fisheries sustainability, and habitat protection.

WATER RESOURCES DEVELOPMENT ACT

- **SUPPORT WRDA re-authorization.** Like communities across the nation, water infrastructure and shoreline protection is critical to Monroe County's economy and public safety. Monroe County has been tackling a **\$1B federally mandated wastewater and storm water** project for the past decade, largely on our own. Water infrastructure investment is shared responsibility among local, state and federal stakeholders, and we urge lawmakers to recognize their role in helping to finance this infrastructure need. Water infrastructure funding also provides an excellent return on investment in terms of jobs and economic output. Monroe County urges lawmakers to recognize local community water infrastructure needs and their role in helping to finance these needs, by reauthorizing WRDA this session.

OIL SPILL PROTECTION

- **SUPPORT revisions to the Oil Protection Act** of 1990 (OPA) or other laws to ensure that 1) local governments may act as first responders in an effort to protect local communities and be reimbursed for their actions undertaken to protect their resources and restore damaged areas during oil spill events; and 2) that the Oil Spill Liability Trust fund is capable of addressing Spills of National Significance (SONS) where there is no financially viable or legally responsible "Responsible Party".

FINANCE

- **Tax-Exempt Bond Status: OPPOSE** legislation that would limit the tax exempt status of state and local government bonds, as doing so could increase borrowing costs for local governments and significantly diminish demand for bonds making it more difficult to finance local infrastructure projects.
- **Tourist Development Tax: SUPPORT** legislation that would clarify that online travel companies are liable for tax on the difference between wholesale and retail price of lodging.

FEDERAL FUNDING

- **SUPPORT** reauthorization of **federal airport and aviation programs.**
- **SUPPORT** full funding of the **Edwin Byrne Memorial Justice Assistance Grant program**
- **SUPPORT** the preservation of the current level of federal funding for Monroe County's **Disaster Recovery, Housing, Social and Community Service programs including FEMA, Community Development Block Grant and the Community Services and Social Services Block Grant programs.**

CLIMATE ACTION

- **SUPPORT** federal legislation to ensure that the underwriting requirements of Fannie Mae and Freddie Mac allow for the use of **PACE programs** by local governments as a tool to encourage energy efficiency.
- **SUPPORT** greater **Congressional recognition of adaptation as a critical climate change issue** in the development of all legislation and appropriations priorities.
- **SUPPORT** **federal climate legislation** that includes: local government funding; adaptation program and funding; and technical assistance to state and local governments in developing multi-sector mitigation and adaptation plans covering natural systems, human health and the built environment.

INSURANCE AND FEMA

- **SUPPORT** amending the **National Flood Insurance Program (NFIP)** of the National Flood Insurance Act of 1968 to provide for the NFIP to make available multi-peril coverage for a national catastrophic insurance fund; creation of a national catastrophic insurance fund will spread risk from natural disasters across all states and eliminate legal battles in determining damage caused by wind versus water due to hurricanes.
- **SUPPORT** continued **funding for the Federal Emergency Management Administration's (FEMA)** natural hazard mitigation programs to include mitigation for hazards associated with climate change impacts.

- **SUPPORT** legislation that would authorize FEMA to refrain from issuing flood insurance for new construction on vacant properties which contain suitable habitat for threatened and endangered species.

INFRASTRUCTURE FUNDING

- **SUPPORT** federal legislation or elements of proposed bills that would create and fund a **national infrastructure bank** or other new infrastructure funding source to finance projects needed by state and local governments to adapt to the impacts of climate change and the growing regional needs for improved infrastructure with emphasis on investments in areas such as water management, water supply, transportation and other projects that provide hazard mitigation and serve to reduce risks to urban infrastructure from extreme weather events and rising sea levels.