

MEETING: BOARD OF COUNTY COMMISSIONERS AND LEGISLATIVE DELEGATION

- I. CALL TO ORDER:** January 29, 2003, at 10:10 a.m., in the McEaddy Conference Room, 12th floor, Palm Beach County Governmental Center, West Palm Beach, Florida.

MEMBERS AND OFFICERS PRESENT:

Chair Karen T. Marcus
Vice-Chair Tony Masilotti
Commissioner Burt Aaronson
Commissioner Addie L. Greene
Commissioner Jeff Koons - Absent
Commissioner Mary McCarty
Commissioner Warren H. Newell
County Attorney Robert Weisman
Assistant County Attorney Robert P. Banks
Recording Clerk Donna Atwood
Condensing Clerk Joan Haverly

LEGISLATIVE DELEGATION MEMBERS PRESENT:

Representative Richard Machek, Chair
Representative Joe Negron, Vice-Chair
Senator Dave Aronberg - Absent
Senator Jeff Atwater
Representative Mary Brandenburg
Representative Susan Bucher - Absent
Senator Larcenia Bullard - Absent
Senator Mandy Dawson - Absent
Representative Carl Domino
Representative Anne Gannon - Absent
Representative James ("Hank") Harper, Jr. - Absent
Representative Adam Hasner
Senator Ron Klein - Absent
Representative Connie Mack - Absent
Senator Ken Pruitt - Absent
Representative Irving Slosberg
Representative Shelley Vana

- II. PLEDGE OF ALLEGIANCE**
- III. WELCOMING COMMENTS:** Commissioner Marcus and Representative Machek
- IV. SELF-INTRODUCTIONS**
- V. PALM BEACH COUNTY FY 2003 STATE LEGISLATIVE PROGRAM**
- V.A. APPROPRIATION PRIORITIES**

Palm Beach County Legislative Affairs Director Todd Bonlarron said the county's top three appropriation priorities for fiscal year 2003 were the Lake Worth Lagoon Partnership Grant Program, Lake Region Water Treatment Plant, and Winsberg Farms Wetland Restoration and its top two legislative priorities were Unfunded Mandates/Cost Shifts and Implementation of Revision 7.

V.A.1.

LAKE WORTH LAGOON PARTNERSHIP GRANT PROGRAM. DISCUSSED 1-29-2003

Mr. Bonlarron distributed a handout showing the last several years' project costs, funding, and disbursement of grant awards as well as a list of applications received for the current year. The county's 2003 funding request of \$5 million was sponsored by Senator Atwater and by Representatives Brandenburg and Domino, he said.

(CLERK'S NOTE: The handout was not provided to the clerk.)

V.A.2.

LAKE REGION WATER TREATMENT PLANT. DISCUSSED 1-29-2003

Mr. Bonlarron reported that the Lake Region Water Treatment Plant had gained considerable momentum over the past year with Glades area communities, the South Florida Water Management District (SFWMD), the Florida Department of Environmental Protection (DEP), and the Palm Beach County Board of County Commissioners (BCC). Funding of \$10 million was needed for the next couple of years to ensure the project's viability. This year's request of \$4.1 million was sponsored by Senator Aronberg and Representative Harper. One of the lead spokespersons on the county commission was Commissioner Masilotti.

Commissioner Masilotti made the following comments:

- The estimated capital cost of the proposed facility was \$30 million, of which DEP had agreed to pay a portion.
- Both the state and federal governments bore a share of the responsibility.
- One of the consequences of lowering Lake Okeechobee has been the surfacing of carcinogens placed in the lake over the last 65 to 75 years, which are approximately 15 times the acceptable level of such carcinogens.
- The proposed facility would benefit communities in the Glades area as well as in Hendry County and other areas throughout the southern portion of the lake region.
- Instead of a surface water system, the plant will utilize a reverse osmosis system, which will have several environmental advantages. This system will make the facility eligible for SFWMD funds.
- The BCC hoped that the state would help the county fund construction of the plant if not by a grant then by a zero interest loan over a long period of time.

Pat Gleason, governing board member of the SFWMD, remarked that the district expected to contribute millions of dollars toward the water treatment plant. Without the plant, there would be a problem in implementing the Everglades restoration because of water quality concerns in the lake communities. Mr. Gleason acknowledged that the plant was in the federal interest as well.

V.A.3.

WINSBERG FARMS WETLAND RESTORATION. DISCUSSED 1-29-2003

Mr. Bonlarron commented that 2003 was the last year in which the county would request state funding for this project and that the \$1 million being sought should complete the funding cycle on the state side. The request was sponsored by Senator Aronberg and Representative Gannon.

V.A.4.

BEACH AND INLET MANAGEMENT PROJECT APPROPRIATIONS. DISCUSSED 1-29-2003

Mr. Bonlarron distributed a memorandum from Debbie Flack of the Florida Shore and Beach Preservation Association. The county was a member of the association, he said, which was devoted to seeking beach appropriations from the state and federal governments. He characterized the memorandum as an urgent legislative alert on dedicated state beach funding that may be in jeopardy. Mr. Bonlarron explained that the state had established a dedicated funding source of \$30 million annually for statewide beach and inlet management projects from documentary stamp tax revenue. Governor Jeb Bush's 2003 budget cut the annual allocation to \$15.4 million and eliminated the dedicated funding source. The future of beach funding in the state was a matter of vital concern to many people statewide, he said.

(CLERK'S NOTE: A copy of the memorandum was not provided to the clerk.)

Kathleen Daley, state lobbyist for Palm Beach County, reported that in yesterday's meeting of the governor's cabinet, one discussion centered on beach funding apparently arising from a problem being experienced by the City of Deerfield Beach. Governor Bush stated he understood the economic impact of beach renourishment but wanted scientific evidence for its necessity and said he would direct the legislature to take another look at the beach funding. Over the years the Palm Beach County Legislative Delegation had been in the forefront of working hard for and supporting a dedicated funding source. Senators Ken Pruitt and Dennis L. Jones would work to protect it, she said, but help was needed in the Florida House of Representatives. Ms. Daley added that Dr. William Strong, a professor at Florida Atlantic University, had done an analysis on the economic impact on the state. It was this analysis, Commissioner Marcus said, that was responsible for the success in obtaining the documentary stamp tax revenue as a dedicated funding source.

Commissioner Aaronson urged the delegation to point out in Tallahassee that economic recovery for the State of Florida was a most important priority and should not be held hostage to scientific research which might be years in forthcoming.

Representative Hasner said that he and others were working on finding a solution to the Broward County problem cited by Ms. Daley.

Mr. Bonlarron noted that the county's 2003 request of \$6.7 million was for the Ocean Ridge Shoreline Protection Project, South Lake Worth Inlet Management, Singer Island Shoreline Protection Project, and Central Boca Raton Shoreline Protection Project. Should the governor's reduced funding level of \$15.4 million pass the legislature, Palm Beach County would lose \$2 million from its project list, the entire state funding for Ocean Ridge and Singer Island.

V.A.4. - CONTINUED

Commissioner Masilotti observed that documentary stamp tax revenue had risen dramatically this year because of widespread refinancing taking advantage of low interest rates. Given such a substantial rise in revenue, he questioned why the funding had been cut. Commissioner Marcus responded that the governor was using the \$14.6 million taken from beaches for something else. She pointed out that those dollars came from local ad valorem taxes. Jon Van Arnam, deputy director of Environmental Resources Management, added that dollars also came from the bed tax. It was a 50-50 match with the state which the county leveraged to pull down federal money. An appreciably reduced state commitment could affect the county's ability to pull down federal money, he said.

V.A.5.

CITRUS CANKER CANOPY REPLACEMENT. DISCUSSED 1-29-2003

Mr. Bonlarron made the following remarks:

- Over the years the legislature has dedicated a significant amount of money to citrus canker eradication and tree canopy replacement, compensating citrus tree owners \$100 for the first removed tree and \$55 for each succeeding tree.
- The Palm Beach County Board of County Commissioners decided to supplement the state amount by \$100, developing a \$750,000 canopy replacement program with Clayton Hutcheson, director of the Cooperative Extension Service.
- The county has been working closely with the Florida Department of Agriculture and Consumer Services, specifically, Craig Meyer, deputy director of the Citrus Canker Eradication Program.
- Last year, from surplus eradication monies, the department gave \$6 million to Miami-Dade County and \$2 million to Broward County for tree canopy replacement. Palm Beach County was requesting similar reimbursement for canopy replacement based on the funding formula used in Miami-Dade and Broward counties.
- Senator Klein and Representative Hasner had agreed to submit appropriation requests in the event funding is not secured from the department. Representative Machek is concerned about the issue and is working with the county as well.

Commissioner Marcus said she would prefer not having additional money for canopy replacement if it meant also having cost shifts, unfunded mandates, and programs over which the county had no control.

Commissioner Masilotti argued for a better return than 12.5 percent on Medicaid moneys received from the state.

(CLERK'S NOTE: Item VI., Florida Association of Counties Legislative Priorities, was discussed at this time; see pages 21-22.)

V.B. LEGISLATIVE PRIORITIES

V.B.6.

UNFUNDED MANDATES/COST SHIFTS. DISCUSSED 1-29-2003

Mr. Bonlarron characterized Unfunded Mandates/Cost Shifts as a very difficult, very real issue in terms of who pays for what types of services and asked the delegation to prioritize the elimination of unfunded mandates and state-to-county cost shifts.

V.B.7.

IMPLEMENTATION OF REVISION 7. DISCUSSED 1-29-2003

Representative Negrón identified part of his responsibilities as chairing the Judicial Appropriations Subcommittee, which funds the court system, public defenders, and state attorneys, and serving on the Revision 7 Task Force. He brought out the following points:

- The legislators, through hearings and venues such as the current meeting, were trying to determine the core mission of the court system and once determined, to fund it. In his view, the court system's core mission was to acquit innocent people, to convict and punish guilty people, and to be a peaceful forum for the resolution of civil disputes. Over the last 20 years, however, all types of social programs and ancillary services have grown up around courthouses--programs and services that may belong in other parts of the county or state government. The counties should identify worthwhile services that should continue to be funded and services that should be discontinued.
- Until about 30 years ago, juvenile justice was a county responsibility. At that time there was a great deal of concern that many counties in Florida did not have a separate track for young offenders, so that, for instance, a 13-year-old defendant charged with smashing a mailbox would be sitting in a jail cell next to a person charged with robbing a bank. The state recognized the validity of the concern and established the Department of Juvenile Justice.
- Should public policy decisions be a local responsibility or a state responsibility? Governor Bush proposed that misdemeanor probation, juveniles, pre-adjudication functions, intervention programs, and other matters done around the courthouse be county responsibilities. Discussion on these issues needed to continue.
- Twenty years ago, the constitutional mandate of the clerks of court was to serve the judicial branch, provide recording, and provide clerks--in short, to help the court system function. In the last few years, sometimes because of dissatisfaction with recalcitrant, unhelpful clerks, the judges hired court administrators in preference to the clerks. Court administration has proliferated throughout the state with hundreds, sometimes thousands, of employees. Some of the work performed by court administration duplicates that done by the clerks. The legislature would be making a policy decision on whether to retain the court administration system or to return to the clerk of court model.

V.B.7. - CONTINUED

- The State of Florida was not going to take over and fund current services at the county level that are not part of the core mission of the court system.

Commissioner Newell expressed concern that taking dollars away from proactive prevention and intervention systems for juveniles, programs that work extremely effectively in Palm Beach County, would dismantle the programs. He suggested that one funding source for such programs might be partial year assessments paid by homebuyers.

Commissioner McCarty observed that not paying for services ancillary to the core mission would cost the state more money because their unavailability would result in more people entering the court system and the "hard core process." The state would have to spend more on public defenders, state attorneys, and judges.

Commissioner Aaronson commented that the state should reward counties which have successful programs, rather than penalize them.

Representative Negrón said juvenile crime prevention programs were a separate issue. In the past six to seven years, the juvenile justice budget had grown from about \$160 million to almost \$700 million. That funding trend would continue, he said, and the state would continue to fund successful prevention programs. Representative Negrón said that essentially, there were two models of what people think courthouses should be--the adjudicatory model and the therapeutic model. In the former, the judge's role is to be fair, impartial, neutral to everyone, to "call the balls and strikes," to give justice in the best way possible. In the latter, the judge is seen as playing a role in changing human behavior, delving in to the whys of what comes before them, not just the facts of what happened. Those things will have to be sorted out over the next year or two, he said.

Commissioner Marcus said that the counties needed to do better in demonstrating to the state their county-funded juvenile assistance programs. The counties would like to be involved in the dialogue of logistics and timing of whatever transition takes place, she added.

Mr. Bonlarron concluded that the county's point people in the legislature on Article V were Representative Negrón, as chair of the Judicial Appropriations Subcommittee in the House, and Senator Aronberg sitting on the Appropriations Subcommittee on Article V Implementation and Judiciary in the Senate.

V.B.8.

TRAFFIC SAFETY PHOTO ENFORCEMENT. DISCUSSED 1-29-2003

Mr. Bonlarron introduced discussion of this issue by bringing out the following points:

- The county wished to establish a traffic safety photo enforcement pilot program under which cameras would be installed at certain intersections to monitor motorists who run red lights. The cameras would take photographs only of the license plates of the offending vehicles.
- Revenue generated by traffic fines would pay for the cameras and their administration. Excess revenue would be used for traffic education programs in the county.

V.B.8. - CONTINUED

- Following the designated term of the pilot program, the county would report to the state legislature on the program's benefits.
- There have been several instances of motorists running red lights in the county with negative consequences, including the loss of many lives.
- Representative Slosberg has been spearheading this issue for the county for the past couple of years and will continue doing so.
- Commissioner Aaronson has been a strong advocate of traffic safety photo enforcement.

Commissioner Aaronson remarked that for the fifth year in a row, the county has been asking to install this program locally and that it was fully endorsed by the sheriff's office, Fire-Rescue Department, and all citizens with the exception of those who run red lights. It has been shown that a traffic safety photo enforcement program can save a tremendous number of lives. In Maryland, for instance, traffic cameras in certain areas have reduced fatalities by 42 percent. In addition to saving lives, such a program would save money by freeing sheriff's deputies and fire-rescue personnel to respond to emergencies other than traffic accidents. Commissioner Aaronson urged the legislators to support the county's request.

Commissioner Newell suggested a county-funded pilot program of installing 20 traffic cameras at intersections and sending notices to traffic signal violators but with no fines attached. Since fines would be excluded, state law would not apply and the state's continuing issue with the program of county creation of revenue (the other issue being Big Brotherism) would be a non-issue. He recommended that County Administrator Weisman see to the administrative establishment of the program.

Commissioner Aaronson expressed doubt that the state would allow the county to establish such a program.

Commissioner Marcus questioned the value of sending notices to violators with no penalty attached and said the county should continue to pursue the ability to issue tickets. She noted that when motorists do not pay the turnpike fee, photographs are taken of their tags.

Commissioner Newell responded that a parent of a child who has run a red light would take action in response to a violation notice, i.e., restrict the child from driving for a long time. He proposed gathering the intersection definition, documentation, problems, and photographs of persons struck by vehicles at intersections and providing this background to the Florida Legislature to show how critical the situation is locally.

Commissioner Aaronson suggested giving a warning notice the first time and imposing a fine the second time.

Representative Hasner said he sat on the Public Safety Appropriations Subcommittee in Tallahassee and asked Representative Slosberg and Commissioner Aaronson for statistics from other states that demonstrate that traffic cameras reduce the number of accidents. That was the type of evidence, he said, that the legislature needed to be able to respond positively. Commissioner Aaronson responded that he would give him today documentation on the states and countries using traffic cameras to deter traffic accidents.

V.B.8. - CONTINUED

Representative Slosberg said he fully supported the Traffic Safety Photo Enforcement priority but admitted it was a 99 to 1 shot against it passing in the legislature. Opponents had their own reasons for being against it, whatever those reasons might be. He said that the state's objection about Big Brother was invalid because Big Brother was already a reality with photographs taken of license plates at turnpike booths. He continued that installing traffic cameras and sending notices without fines attached was a waste of money. As House sponsor of this initiative, Representative Slosberg said a sponsor was needed on the Senate side. Commissioner Aaronson responded that Senator Klein would sponsor it.

Representative Brandenburg recalled that at the last legislative session, a photograph of the license plate was enough evidence to issue a ticket. She said any proposed legislation should contain protection for a vehicle owner whose license tag has been stolen against being hit with a ticket. Commissioner Aaronson responded that owners of stolen plates were protected under the initiative.

Representative Slosberg informed his colleagues that he had filed a bill restricting the two right lanes of state highways to truck traffic.

Commissioner McCarty said she suspected legislators were opposed to the proposed legislation in order to protect themselves. They do not want tickets going to their residences showing their license plates were photographed in places where they were not supposed to be.

Representative Machek acknowledged that Palm Beach County had a high population density with a high number of motorists running red lights. He said he was not opposed to the county installing several test cameras, perhaps with a camera-and-liability warning sign posted a couple of hundred feet in advance of the intersection. He did oppose, however, mailing traffic warnings to violators because every motorist knew it was illegal to run a red light. Representative Machek said he could not speak for how the issue would do in the legislature because it had not come before any committee. He said he believed that the county had the legal right to initiate the program and that if it did so, it might "catch on" in Tallahassee.

Commissioner Greene asked for identification of the legislature's problems with the initiative so that the county could move forward with the matter.

(CLERK'S NOTE: The following discussion took place later in the meeting; see page 22.)

Commissioner Aaronson asked that a poll be taken of those present on support of a traffic camera ordinance.

Representative Negrón remarked that concerns about surveillance cameras were legitimate. Some members of the delegation might unfairly discount persons such as himself who have strong civil libertarian concerns about Big Brotherism. Being monitored by the government was even more offensive when one is doing nothing wrong. The Big Brother threshold may already have been crossed with cameras everywhere, which was why he did not support expanding the turnpike system and why he would not use Sunpass. He noted there is frequent borrowing and trading of vehicles among young people and expressed concern about the bill's presumption of guilt because once one's license tag has been photographed, whether or not one was driving, one has to go to court to try to convince a judge of one's innocence. Challenging this type of ticket has shown only a 0.3 percent chance of success in the State of Maryland. He said he would be willing to work on the issue with Representative Slosberg but reiterated his concern about continuing to move society to loss of the right to privacy and of the right to be left alone.

V.B.8. - CONTINUED

Commissioner Marcus pointed out that a traffic violator could be caught by a camera or by a law enforcement officer sitting in a car. Palm Beach County was an urbanized county, unlike Suwanee or Sumter counties where such an issue was not of critical importance. Surveillance traffic cameras should be a local choice, she said.

Representative Negron responded that a law enforcement officer can see who is driving the vehicle and can pull the vehicle over. There was a little more due process with the officer scenario than with the automation scenario, he said. Commissioner Aaronson stated that that was accounted for by the driver being able to protest the ticket in court just like any other driver ticketed for speeding.

Senator Atwater said he was inclined to help on the issue and that a pilot program might be initiated. "If you stop at the red light, you don't have to worry about it," he said.

Commissioner Aaronson concluded that no one was totally opposed to the issue and that, as long as there were open minds, the initiative had a chance.

V.B.9.

PAWNBROKING. DISCUSSED WITH DIRECTION 1-29-2003

Commissioner Newell gave the following report:

- In the 2002 legislative session, many bills on which the county worked got to committees and almost got to the floor.
- Former Representative Ed Healey worked very hard on the pawnbroking initiative.
- Senator Walter G. ("Skip") Campbell, Jr., wanted to reintroduce the bill this year and had asked Commissioner Newell about a representative who would sponsor the bill in the House.
- Basically, the pawnbroking legislation was a statewide database of information on pawned goods, a reporting bill to make sure that pawned items are not shipped from county to county.
- In the last four to six years hundreds of people had informed him that they could not obtain their stolen merchandise back from pawn shops without paying for it and without knowledge of how to recover it. Part of the bill provides for a brochure at every pawn shop explaining to victims how to get their material back through the courts instead of paying for it. Pawn shops do not like giving out the brochure because it costs them money.

Representative Brandenburg said the deadline filing date for bills was February 7.

Commissioner Marcus asked Mr. Bonlarron and Ms. Daley to provide the delegation with all pertinent information. Commissioner Newell asked Mr. Bonlarron to furnish the members with a copy of Senate Bill 0526 (Pawnbrokers and Secondhand Dealers).

V.B.10.

INCREASE FINES FOR BOATERS WITHIN 500-FOOT RANGE AROUND FISHING PIERS. DISCUSSED WITH DIRECTION 1-29-2003

Commissioner Marcus reported on a highly successful fishing pier in the north end of the county where boaters come within 500 feet of the pier in order to net bait fish from their boats. The maximum fine for such a violation is \$50. Paying the fine is less expensive than buying bait fish at a bait and tackle shop. By increasing the fine (\$250), the commission hopes the boaters will comply with county rules and regulations. The commission was asking for support in order to ensure that the pier remains a safe place for people.

Mr. Bonlarron reported on an upcoming meeting with Representative Domino and a couple of his constituents to discuss the issue.

Commissioner Marcus told Mr. Bonlarron that the county could provide him with statistical information on the issue, including complaints and the time spent trying to keep boats away from the pier.

V.B.11.

DOG FIGHTING AMENDMENT. DISCUSSED WITH DIRECTION 1-29-2003

Mr. Bonlarron explained that the purpose of the dog fighting amendment was to close a loophole in the law governing search warrants in animal cruelty cases. At present, the issuing judge has to specify that the search be made between sunset and sunrise. In a local case, Mr. Bonlarron said that about 60 defendants were set free by the court because the search warrant failed to specify the sunset-to-sunrise search. The bill was sponsored this year by Senator Klein and Representative Marco Rubio.

Commissioner Aaronson characterized dog fighting as one of the most horrendous activities that could take place and urged every legislator to do whatever they could to get the statute amended.

Commissioner McCarty requested the names of legislators in other parts of the state who opposed the statute revision in order to let the world know who they are. She characterized Florida's animal protection legislative history as obscene. Representative Bucher agreed, calling it disgusting.

V.B.12.

PICKUP TRUCK PASSENGER SAFETY ACT. DISCUSSED WITH DIRECTION 1-29-2003

Mr. Bonlarron said the Pickup Truck Passenger Safety act was sponsored by Senator Campbell and Representative Suzanne M. Kosmas, the latter having filed it for the last four years. The purpose of the bill was to ban persons under the age of 16 from riding in the back of pickup trucks and, if the legislature did not wish to enact it statewide, to allow the county to enact the prohibition by local ordinance. The county was willing to compromise on the measure by outlawing the transportation of such persons on a four-lane highway at certain speed limits.

V.B.12. - CONTINUED

Commissioner Newell made the following comments:

- What the county really wanted was a statutory amendment to allow the county to enact an ordinance to restrict persons of any age from riding on the exterior of a vehicle--in the back of flat bed trucks and pickup trucks or on bumpers or hoods.
- The number of persons who are ejected and killed each year was staggering.
- Insurance companies require persons being transported on the exterior of a vehicle to occupy securely attached seats. The county had no input from insurance companies on this issue.
- What was really difficult was the agricultural lobby from the northern part of the state. They have been exempted from the bill on site, on their own properties and private roadways.
- Trucks were being built with additional cabs attached allowing for the secure seating for two, three, four, or five persons.
- Phasing over time would allow landscape companies to afford the new requirement.

Commissioner Aaronson urged the sponsors to make ordinance enactment a local option, in case some counties did not want to adopt it. Commissioner Marcus agreed.

Representative Slosberg said that primary enforcement of the seat belt law would save 270 lives, 1,100 debilitating injuries, and \$600 million for the State of Florida. He explained that primary enforcement meant a police officer can pull over any motorist not wearing a seat belt.

Representative Domino recommended a revision of the exemption language, whether for local or statewide application. Exempting farmers on their own properties was fine, he said, but they generally have properties at some distance from each other and drive from one to another on public roads.

V.B.13.

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY. DISCUSSED WITH DIRECTION 1-29-2003

Mr. Bonlarron noted that the following had been distributed to the meeting participants: a summary of the proposed legislation concerning a regional transportation authority (RTA), the most recent version of the legislation, and a letter from County Commissioner Jeff Koons, chair of the Metropolitan Planning Organization. He added that a resolution supporting the creation of an RTA had been scheduled for the February 4 county commission meeting.

(CLERK'S NOTE: A copy of the documentation was not provided to the clerk.)

V.B.13. - CONTINUED

Representative Bucher said it would be very difficult to convince legislators to support the \$2.00 fee involved, because of their opposition to fees. She recalled that in Tallahassee, the delegation had asked the county to provide details on project criteria and that the details still had not been provided. Mr. Bonlarron said that Joseph Giuliatti, executive director of Tri-County Community Rail Organization (Tri-Rail), would provide a list of projects to be funded from money derived from the RTA, both the \$2.00 fee and any federal money drawn down in matching dollars.

Representative Bucher explained to Commissioner Marcus that the delegation wanted to know the specific parameters of projects on which the money would be spent. The county had decided on certain projects but the delegation did not know how the projects were selected nor how they would be decided on in the future. That was a selling point the delegation needed to make in the legislature, she said. Commissioner Marcus said the projects list would be provided.

Representative Gannon said she had filed the bill in the House. She had discussed the initiative with persons from Miami-Dade County including Representative Rubio and one of their new legislators. Issues discussed included the number of appointments, RTA representation sought by the cities, and RTA representation sought by the two unions that represent transit workers in Palm Beach, Miami-Dade, and Broward counties. She had shared this information with Senator Steven A. Geller, RTA's sponsor in the Senate.

Commissioner Marcus said that extensive work had gone into reaching an agreement on membership and fees, ensuring equal representation, and that any tweaking would cause problems. Representative Gannon responded that the appointed at-large member and the appointed member from the governor's office contended that representation was unequal.

Representative Domino commented that he understood that the fee would eventually become very significant because of the matching program with the federal government. It would not work without enough money. He said he would be more interested in the counties coming up with the funding and understanding the direction the RTA would take.

Representative Gannon remarked that there had been discussion of asking the counties to pass the bill with language that would take it back to the county commissions to pass it by an extraordinary vote.

Representative Bucher said that Palm Beach, Broward, and Miami-Dade counties would be missing out if a South Florida RTA was not implemented. If it was not done, the counties would leave federal dollars on the table for other states to take advantage of. In his current budget, Governor Bush proposes to cut \$200 million from the trust fund for transportation. Connectors would be built only if public officials established a way to fund them. Mass transit would be increased only if public officials made a commitment to do it. Discussions needed to be held on where to obtain the money for an RTA in the absence of a \$2.00 fee in order to match federal dollars. Orange County was moving forward with a similar project. If it was successful, and South Florida was not, it would get the federal dollars. Palm Beach, Broward, and Miami-Dade counties always have been donors to the federal and state governments and can no longer afford to do that, particularly if the transportation budget was going to be cut. Constituents complain daily about their transportation needs. The time spent commuting in the southern counties was tremendous, she said.

V.B.13. - CONTINUED

Representative Machek agreed, adding that a decision had to be made on whether Miami-Dade, Broward, and Palm Beach counties were each going to do it alone or pool their resources for the common benefit. He emphasized the necessity of the counties coming together. It was probably the last opportunity for many years to take advantage of what the federal government was now offering in matching funds. He acknowledged the bill was not perfect and expressed disappointment that with all of the work that went into it over the last several years that the legislators had not been brought into the process in the beginning. If they had, the current crisis would have been avoided. Regardless of whether anyone liked the bill or not, it needed to be filed in the legislature this year. Committees could then decide where to discuss it and work it out. If it was not filed, the bill would die and everything would be lost.

Representative Vana agreed on the necessity of filing the bill now. She said that in committee meetings, legislators were looking at how to maximize available federal dollars. If South Florida did not recognize that it was becoming a big metropolitan area, like New York City, and do something now to ensure that its future was happy and efficient, it would save money in the short term and lose a lot of money and a lot of quality of life in the long term.

Commissioner Aaronson agreed, adding that businesses and the economic council had endorsed the idea.

Representative Gannon emphasized the necessity of distributing contracts that come with the creation of the RTA so that they are fair to each county and its business communities. She observed equal distribution would be difficult with one of the counties having five members on the authority.

Commissioner Marcus remarked that local commissions and local business communities have come together in support of an issue that would be good for all three counties. Martin County was very interested in the RTA's success as well because eventually Tri-Rail will extend into Martin County and they can be a partner in the RTA too.

Representative Brandenburg said she would be advocating in support of the bill.

Representative Hasner emphasized the importance of governments and business communities in the three counties fully understanding the issues so they can start to deliver the message and start working together.

Representative Machek expressed his strong support of a regional transit authority.

Representative Domino said he believed that the fee would have to be significantly higher than \$2.00 because of matching dollars. The fee could be determined, he said, by how much money would be anticipated from the federal government and the match rate divided by the number of motor vehicles. He asked why commissioners were not advocating the use of general revenue county funds to fund the initial stage.

Commissioner Marcus responded that the county lacked a source of funds. The gas tax was used to build roads, she said. The county was looking for a specific source for a specific program that would not be subject to budgets or cost shifts.

V.B.13. - CONTINUED

Commissioner McCarty said she would like to hear how the economic council and other promoters of the RTA decided on the \$2.00 fee. It was fair that the fee be paid by car owners, not come out of county general revenue funds. It would be irresponsible for South Florida policy makers to leave so much money in Washington, D.C., and not bring it down to the benefit of the people of South Florida.

Senator Dawson expressed support for an RTA, which she characterized as probably going to be the wave of the future.

Mr. Bonlarron said the county would work collaboratively with the Metropolitan Planning Organization, Tri-Rail, and the business alliance.

Commissioner Marcus commented on the lack of sufficient communication and told Tri-Rail that it was their task since they were the primary entity.

V.B.14.

TRANSPORTATION DISADVANTAGED PROGRAMS. DISCUSSED 1-29-2003

Mr. Bonlarron said the counties have asked the state to fund and continually increase the funding for the Transportation Disadvantaged Program and last year were successful in getting \$9 million additionally statewide. He reported that the governor's budget included an increase from last year at \$35.4 million. He said the commission hoped that the delegation would continue to support the governor's position.

V.B.15.

EVERGLADES RESTORATION/FLORIDA FOREVER. DISCUSSED 1-29-2003

Mr. Bonlarron said this would be another difficult issue, particularly in light of the budget woes that are before the legislature. It was a strong priority for Palm Beach County and for South Florida, however, and he asked that the delegation do everything in their power to preserve the funding sources for Everglades restoration and Florida Forever.

V.B.16.

SHARED TITLE ON CONSERVATION LANDS. DISCUSSED 1-29-2003

Mr. Bonlarron said the county was seeking legislation that would clarify statutory provisions regarding title to lands jointly purchased by the county and state under the land buying program. Shared title would allow the county to have a greater protection over the acquired land and to be a partner in the management of that land. The county was working with the Florida Department of Environmental Protection on the issue.

V.B.17.

MEDICAID EMERGENCY MANAGEMENT BILLING. DISCUSSED WITH DIRECTION 1-29-2003

Mr. Bonlarron said when Fire-Rescue personnel respond to emergency situations, they do not know whether to administer basic life support (BLS) or advanced life support (ALS). Occasionally, personnel have administered ALS at an emergency site, but the emergency room physician determined the response should have been BLS. At the end of the year, instead of being reimbursed by Medicaid, the county is asked to refund money billed for the inappropriate ALS services. Mr. Bonlarron said the problem was that the statutes lacked a definition of when to use BLS or ALS. Those clarifications exist federally but not statewide.

Representative Bucher requested information about the differences and their impact on Palm Beach County as well as the names of those the county has been talking to at the Agency for Health Care Administration on definition clarification. Representatives Brandenburg and Vana said that they, too, would like that information. Commissioner Marcus asked that Mr. Bonlarron provide the information to everyone.

V.B.18.

URBAN JOB TAX CREDIT PROGRAM. DISCUSSED 1-29-2003

Mr. Bonlarron said the county supported a statutory amendment that would allow a broader range of businesses to be eligible for job tax credits under the Urban Job Tax Credit Program. Currently, only specific industries in blighted areas qualify for the credits. In 2002, a significant amount of money went unused. Representative Hasner and Senator Klein have been asked to sponsor the initiative, he said.

V.B.19.

TOWING BILL. DISCUSSED 1-29-2003

Mr. Bonlarron said the county had been working on this issue with the towing industry. The initiative was being sponsored by Senator Victor D. Crist and by Representative David D. Russell, Jr. The initiative would provide more consumer protections in the towing industry by redefining who is expressly authorized to initiate a tow on private property. It would also ensure that signs are appropriately placed on private properties and explain exactly the liability of persons who park there illegally. Mr. Bonlarron told Commissioner Newell that a component of this bill was the creation of a statewide program that would be under the aegis of the Florida Department of Agriculture and Consumer Services.

Commissioner Newell remarked that the agriculture department was not necessarily the best consumer advocate group in the state. The pawnshop industry had been taken from local governments and sent to the agriculture department where it has not been regulated very well. The department is more of a collection and process operation, he said. Commissioner Marcus commented that this was because the department has so many other responsibilities.

V.B.20.

LIENS ON REAL AND PERSONAL PROPERTY. DISCUSSED 1-29-2003

Mr. Bonlarron said the county had spent almost \$150,000 on partially indigent defendants because the narrowed application of the existing statute does not allow recovery of legal fees and costs associated with partially indigent defendants. The purpose of this legislative priority would be to allow that recovery. The county had no sponsor for the initiative and would see if it might be appended to another bill during the legislative session.

V.B.21.

GAS TAX INDEXING. DISCUSSED 1-29-2003

Mr. Bonlarron said this item was brought to the county's attention by the Florida Association of Counties. The state indexes the gas tax, that is, it adjusts the tax for inflation to keep pace with the consumer price index (CPI). The counties, however, continue to receive the adopted amount with no adjustment. The state's gas tax has risen with the CPI while the counties' has not, thus leaving a tremendous amount of revenue on the table that could be used for local transportation initiatives. He requested delegation support of the proposal that would allow the counties to index the gas tax to keep pace with the CPI.

V.C. APPROPRIATION SUPPORT ISSUES

V.C.22.

CHAIN OF LAKES RESTORATION. DISCUSSED 1-29-2003

Mr. Bonlarron said that the county wanted to restore Lakes Clarke, Eden, Ida, Osborne, and Pine, known collectively as the Chain of Lakes, and that Senator Aronberg and Representative Vana were spearheading the effort in the legislature.

Representative Brandenburg remarked that the five lakes flow together with the canal in the West Palm Beach turning basin and said it would make sense to include the canal in the initiative.

V.C.23.

MULTI-AGENCY WASTE WATER TREATMENT SLUDGE PELLETIZATION FACILITY. DISCUSSED 1-29-2003

Mr. Bonlarron said the county was supporting this initiative on behalf of the Solid Waste Authority.

V.C.24.

LOXAHATCHEE RIVER INITIATIVE. NOT DISCUSSED 1-29-2003

V.C.25.

LAKE OKEECHOBEE SCENIC TRAIL. NOT DISCUSSED 1-29-2003

V.C.26.

TRUANCY INTERDICTION PROGRAM. DISCUSSED 1-29-2003

Mr. Bonlarron said that allocated state funding for the Truancy Interdiction Program (TIP) has been vetoed year after year. The governor's office said it probably would recommend a veto again this year and suggested the county try to tie the program to another priority. Consequently, the county has modified this year's request by putting it under the Illiteracy Intervention Program for Truants. The Criminal Justice Commission and all local law enforcement have agreed upon this new component of truancy interdiction. Truant students would be assessed for their literacy rates. If their rates are substandard, programs would be prescribed for dealing with them, their parents, and the schools; the students would be assigned a literacy program to bring them up to standard reading levels; and mentors in the community would be assigned to mentor them in the literacy initiative. Senator Dawson and Representative Harper have agreed to sponsor this legislation.

Commissioner Newell stated that local funding has been used to make up for the budget shortfall. TIP has been extremely successful in keeping youth from committing crime and out of the juvenile justice system, he said.

V.C.27.

WEST NILE PREVENTION/MOSQUITO CONTROL. NOT DISCUSSED 1-29-2003

V.D. LEGISLATIVE SUPPORT ISSUES

V.D.28.

ELECTION REFORM. DISCUSSED 1-29-2003

Commissioner Newell stated that two years ago, the governor created the Select Task Force on Election Procedures, Standards and Technology and reconvened it this year. One of the numerous recommendations the task force is making this year is removal of the witness signature from the absentee ballot. Statewide, thousands of legitimate ballots are not counted because the signature does not match, the witness has a problem, or a witness never signed. A witness is not critical to the process of accepting an absentee ballot. The importance of an absentee ballot is to swear to the oath and to make sure the voter is registered correctly.

Senator Dawson asked if the task force's recommendation to retain the temporary ban on the October primary runoff election was to save costs.

Commissioner Newell replied that there were two reasons for the recommendation: cost savings and timing. As to the latter, there was not sufficient time to get the information and ballots out to overseas voters and to get them back quickly enough to make the system work.

Commissioner Newell said the county added to the election reform bill the mandatory advance mailing of preliminary ballots to all voters. If that ballot had not been mailed to voters in this election cycle, the county would have been in really deep trouble because of the size of the ballot, he said.

Representative Bucher asked if the task force had discussed having uniform and more open early voting programs.

V.D.28. - CONTINUED

Commissioner Newell said that the bill included uniform voting locations and more voting locations. At present, only the elections office and satellite offices were allowed for early voting. There was a great deal of legislation, he said, on how one votes early, when one votes early, and what is acceptable. The task force preferred, of course, electronic machines to absentee ballots.

Representative Gannon said that the Procedures Subcommittee on Ethics and Elections, of which she was a member, was looking at different methods of voting to ensure holding a runoff on an exact day. One method was preferential balloting, an initially confusing procedure but people could be taught how to use it. Another method was expanding the early voting so that more voting would be done by machines rather than by absentee ballots. Only two counties allowed early voting with absentee ballots; many other counties allowed early voting with machines. Representative Gannon said she thought Supervisor of Elections Theresa LePore believed that the statutes prohibited early voting by machine. This issue would have to be clarified in order to make it easier for people to vote.

Representative Brandenburg commented that she had received a number of complaints about the voting locations' lack of accommodations for persons with disabilities. Many complaints stemmed from Ms. LePore demonstrating equipment to the blind community and then not making it available on election day. Other complaints concerned facilities that were not wheelchair accessible.

Representative Gannon said that a bill was passed last year to fund solutions to some of those problems by pulling down federal funds. The federal funds did not come through, however, because a national voter act had not been passed. Congress was now working on passing it. Election reform would be difficult without federal funding.

Commissioner Newell explained that the problem with using the audio voting machines was the length of the ballot. It took up to 15 minutes to listen to the ballot and to download it. Doing this at 800 precincts would take hours and would have put the election completion cycle way behind time. Consequently, anyone who came in wanting to use the audio voting machine was transported immediately to a location where he or she could do so. The task force was not sure how to solve this very important problem.

Representative Brandenburg said the machines should be accessible to everyone.

Commissioner Marcus remarked that she thought the circumstances were being dealt with as efficiently as possible. Accessibility will be increased when the federal dollars come down, she said.

V.D.29.

INVASIVE EXOTIC PLANT CONTROL. NOT DISCUSSED 1-29-2003

V.D.30.

WETLAND PROTECTION AND MITIGATION BANKING. NOT DISCUSSED 1-29-2003

V.D.31.

PUBLIC WATER SUPPLY. DISCUSSED 1-29-2003

Mr. Bonlarron asked the delegation to oppose any attempts to privatize the public water supply in Florida.

V.D.32.

TOTAL MAXIMUM DAILY LOAD PROGRAM CONCERNING MAXIMUM NUTRIENT/POLLUTANT LOADING IN IMPAIRED WATER BODIES. DISCUSSED 1-29-2003

Mr. Bonlarron said the county would continue to work with the delegation on behalf of the local governments' perspective concerning the program.

V.D.33.

WATER CONSERVATION AND MANDATORY RATE STRUCTURES FOR PUBLIC UTILITIES. NOT DISCUSSED 1-29-2003

V.D.34.

CRIMINAL BACKGROUND CHECKS FOR VEHICLE-FOR-HIRE DRIVERS. DISCUSSED 1-29-2003

Mr. Bonlarron said the county conducts limited background checks on vehicle-for-hire drivers and asked the delegation to support legislation expanding that ability.

V.D.35.

MOVING INDUSTRY REGULATION. DISCUSSED 1-29-2003

Mr. Bonlarron said the county supported a change in the statutes that would allow counties to license movers whose principal place of business is located outside the county but which carry out moves beginning and ending within the county.

V.D.36.

STATE LIBRARY FUNDING. DISCUSSED 1-29-2003

Mr. Bonlarron said that the governor in his budget had requested amounts similar to last year for library grants, library cooperative grants, and library construction, and that the county supported those numbers. One concern, however, was the possible dismantling of the statewide library system. The county regarded this as a very valuable resource that should be maintained and hoped the delegation would take a very close look at that when it comes before them in the legislature.

V.D.37.

SERVICES FOR GRADUATING EXCEPTIONAL STUDENT EDUCATION (ESE) STUDENTS AND ADULTS WITH DISABILITIES. DISCUSSED 1-29-2003

Mr. Bonlarron said the Representative Hasner was a sponsor of this initiative. When workforce development was dismantled a few years ago, the funding for workplace training for ESE students was eliminated. This initiative would either identify other incentives for businesses to hire persons with disabilities and to help train them or encourage reinstatement of the discontinued funds.

V.D.38.

COMMUNICATIONS SERVICES TAX SIMPLIFICATION. NOT DISCUSSED 1-29-2003

V.D.39.

DEFINITION OF A FARM. DISCUSSED WITH DIRECTION 1-29-2003

Mr. Bonlarron said that the purpose of this issue was to ensure that only buildings serving a true farming purpose are exempted from building permit requirements.

Representative Brandenburg asked for clarification on what was a "legitimate farm building."

Assistant County Attorney Banks responded that under Florida law, non-residential farm buildings are exempt from building permits. This definition has been interpreted so broadly under the definitions used by the state that it includes activities that may or may not be agricultural.

Commissioner Marcus said this matter came to the county's attention because of its bond issue for agricultural acquisition preservation, the only county in the State of Florida to do such an issue. In maintaining that, the county discovered state laws that "fly in the face" of the county's efforts. She praised the agricultural acquisition program, which was recently marketed to Martin County, and invited the delegation to take a look at it and share it with their colleagues.

(CLERK'S NOTE: The following discussion took place later in the meeting; see page 22.)

Representative Machek asked if a committee or panel would be working locally on the definition of a farm. Mr. Bonlarron responded that Planning, Zoning and Building administration would determine what was a legitimate farm or agricultural purpose. If the delegation would feel more comfortable with a committee working on the matter, one might be created internally, he said.

Representative Machek said he would be more comfortable if persons from the agricultural community were included. Assistant County Administrator Weisman said that that would be done. Commissioner Marcus added that information would be sent to Representative Machek on the county's specific follow-up.

V.D.40.

INSTITUTE OF FOOD AND AGRICULTURAL SERVICES (IFAS) WORKLOAD FUNDING FORMULA AND REINSTATEMENT OF FUNDING REDUCTIONS. DISCUSSED 1-29-2003

Mr. Bonlarron said the Institute of Food and Agricultural Services state-based budget had been reduced in recent years and that IFAS was seeking a restatement of some of those funding cuts. The county supported the reinstatement and would be working closely with the Florida Department of Agriculture and Consumer Services and the Florida Legislature in monitoring this particular area of the budget.

V.D.41.

**EXCLUSIVITY OF WORKER'S COMPENSATION FOR PUBLIC EMPLOYEES.
DISCUSSED 1-29-2003**

Mr. Bonlarron explained that in the Florida Statutes, a loophole exists under Worker's Compensation concerning a county employee who is injured by a fellow-employee while on the job but with different job assignments. The injured employee can receive Worker's Compensation benefits and, in addition, sue the county for injury by a fellow-employee and receive additional worker's compensation benefits on top of that. He said the county attorney's office had asked that this issue be monitored and worked through the legislative process.

V.D.42.

RETINOBLASTOMA. DISCUSSED 1-29-2003

Mr. Bonlarron said that Representative Bucher has been a champion in working on this issue in the House and that the Palm Beach County Board of County Commissioners had adopted a resolution in support of this initiative.

Commissioner Marcus stated that the Florida Association of Counties was supporting the issue statewide. She said it made no sense that this legislation was not adopted last year or even why the issue needed to be legislated in order that the eye pathology screening be done in order to save the lives of newborns and infants.

Representative Bucher thanked everyone for their efforts in trying to get this legislation passed. The American Academy of Pediatrics opposed the initiative last year and continued to do so, she said. Current statute required pediatricians to use an ophthalmoscope to detect the disease but they were not doing it. They opposed legislation mandating the procedure because they would get sued more often. The only statutory change in this bill is the requirement to put eye drops in these children's eyes in order to dilate them for the detection of the occlusions constituting the tumors. The cost of the eye drops is about two cents, she said.

Representative Domino, a strong supporter of the initiative, commented that he had been told in committee a couple of weeks previously that pediatricians contend that severe damage is done by ocular dilation. With the refutation of that argument, he said, it would be very difficult not to vote for the issue because it would save lives.

Representative Bucher pointed out that this procedure, with ocular dilation, is performed on every premature baby's eyes before he or she leaves the hospital. The previous president of the American Academy of Pediatrics lied in his remarks before committee, saying the examination was an invasive procedure in which children were tied down and that it would cause convulsions, Representative Bucher said.

(CLERK'S NOTE: The following item was discussed earlier in the meeting; see page 4.)

**VI. FLORIDA ASSOCIATION OF COUNTIES LEGISLATIVE PRIORITIES,
COMMISSIONER KAREN T. MARCUS.**

VI.A.

**FLORIDA ASSOCIATION OF COUNTIES ANALYSIS OF GOVERNOR BUSH'S
BUDGET. DISCUSSED 1-29-2003**

VI.A. - CONTINUED

Commissioner Marcus, as chair of the Florida Association of Counties (FAC), distributed an analysis by FAC staff of Governor Bush’s budget showing his recommended cost shifts and unfunded mandates and their impacts on local government. The hits included mobile home license fees, Florida Retirement System dollars, Department of Juvenile Justice cost shifts, and the beach renourishment program. As the budget continued to be reviewed, any new issues would be brought to the legislative delegation’s attention. Overall, she said, it was a “pretty hefty hit” for every local government. Commissioner Marcus said local governments did not want to assume costs over which they had no control and that such matters were the state’s responsibilities. She reported that FAC met with the governor before he presented his budget in 2002 and said to him that at some point, the legislature and the counties needed to meet and identify what are and what should be state priorities and county priorities and, so, avoid service provider questions at future budget times. Since the legislature and the county commissions shared a constituency, she said if the legislators communicated with their local taxpayers they would find that they do not want to pay these costs.

(CLERK’S NOTE: The analysis was not provided to the clerk.)

VII. COMMENTS/ADDITIONAL ISSUES

Mr. Bonlarron acknowledged the hard work on the county’s 2003 legislative program put forth by Kathleen Daley, state lobbyist; Edward M. Chase, executive director of the Legislative Delegation; Tyshon Grimsley, secretary of the delegation; and Sherry Howard, administrative secretary to Mr. Bonlarron. He then thanked all those present for their support and attentiveness to local issues.

Commissioner Marcus expressed gratitude to the Public Information Office for their contribution. After follow-up discussion on two items (see note below), Commissioner Marcus thanked the legislators for coming to the meeting and having what she characterized as “an excellent dialogue.” Such meetings should be held more often in order to facilitate matters of importance to the county, she said.

Commissioner Marcus reminded the participants that Palm Beach County Day was March 5-6.

(CLERK’S NOTE: At this time, continued discussion took place on the following issues: item V.D.39., Definition of a Farm, see page 20; and item V.B.8., Traffic Safety Photo Enforcement, see pages 6-9.)

VIII. ADJOURNMENT

The joint meeting was adjourned at 2:05 p.m.

ATTESTED:

APPROVED:

Clerk

Chair