

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

Agenda Item #: 5-A-1

AGENDA ITEM SUMMARY

Meeting Date: December 5, 2006 Consent Regular
 Workshop Public Hearing

Department:

Submitted By: Legislative Affairs

Submitted For: Administration

I. EXECUTIVE BRIEF

Motion and Title: Staff requests Board direction on A) A draft FY07 State Legislative Program. B) A Local Bill amending Section 10, Chapter 2006-328 relating to the Town of Loxahatchee Groves.

Summary: Staff requests the Board's review of the draft FY07 State Legislative Program, which includes issues that have been submitted by Board members and County staff, and identification of legislative and appropriations priorities. The Legislative Program outlines the issues that the County's Legislative Affairs Department in conjunction with the County's lobbyists, will be working on for the Board in the upcoming Legislative Session. The local bill addresses minor revisions to Florida Statutes regarding the applicability of Palm Beach County ordinances within the Town of Loxahatchee Groves and clarifying corporate boundaries of the Town. Countywide. (DW)

Background and Policy Issues: Each year, the Board of County Commissioners adopts a program of legislative and appropriations priorities for the upcoming Legislative Session. The Legislative Program will be reviewed at a workshop with the Legislative Delegation on December 11, 2006. Input from the Legislators will help us identify sponsors for bills and funding requests, and evaluate the feasibility of gaining legislative approval of issues and appropriations. The FY07 State Legislative Session begins March 6, 2007.

Attachments:

- 1. Draft FY07 State Legislative Program
- 2. Local Bill

Recommended by:  12/4/06
Legislative Affairs Director Date

Approved By:  _____
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2006	2007	2008	2009
Capital Expenditures	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____

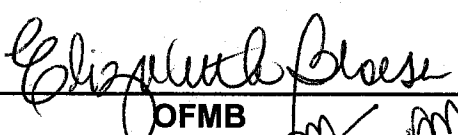
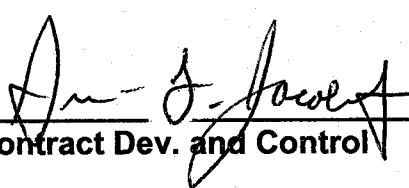
Is Item Included In Current Budget? Yes _____ No _____
 Budget Account No.: Fund ___ Agency ___ Org. ___ Object ___
 Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:


C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 _____ OFMB <i>mm</i> <i>11/30/06</i>	 _____ Contract Dev. and Control <i>12/1/06</i>
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B. Legal Sufficiency:



 Assistant County Attorney
12/3/06

C. Other Department Review:

 Department Director

ATTACHMENT 1

**Palm Beach County
Board of County Commissioners
Proposed FY 2007 STATE LEGISLATIVE PROGRAM**

Palm Beach County's Top Three Priorities for the 2007 Legislative Session

- | | | |
|----|--|--------------|
| 1. | Property Tax Reform | |
| 2. | Lake Region Water Treatment Plant (<i>Water & Environment</i>) | \$ 3,500,000 |
| 3. | Unfunded Mandates/Cost Shifts (<i>Local Control</i>) | |

Other Appropriations Priorities

- | | | |
|-----|--|---------------|
| 4. | Lake Worth Lagoon Partnership Grant Program (<i>Water & Environment</i>) | \$ 3,500,000 |
| 5. | Beach & Inlet Management Project Appropriations (<i>Water & Environment</i>) | \$ 14,106,150 |
| 6. | C-51 Sediment Management Program (<i>Water & Environment</i>) | \$ 2,000,000 |
| 7. | Chain of Lakes Restoration (<i>Water & Environment</i>) | \$ 2,000,000 |
| 8. | Loxahatchee Slough Bridge Over Northlake Boulevard | \$1,200,000 |
| 9. | Transportation Funding SR 710 & SR 7 (Transportation) | \$ 9,000,000 |
| 10. | DMV Facility Service/Mounts Botanical Garden (<i>Transportation</i>) | \$ 1,900,000 |
| 11. | Florida Office of Homelessness (<i>Health Care</i>) | |
| 12. | Juvenile Assessment Center (<i>Public Safety</i>) | |

Legislative Priorities

- | | | |
|-----|---|--|
| 13. | Article V (<i>Public Safety</i>) | |
| 14. | Hurricane Relief Issues (<i>Public Safety</i>) | |
| 15. | Traffic Safety Photo Enforcement (<i>Public Safety</i>) | |
| 16. | Pawn Brokering (<i>Public Safety</i>) | |
| 17. | Transportation Disadvantaged Programs/ F.S. Chpt. 427 and Medicaid Non-Emergency
Transportation Funding (<i>Health Care</i>) | |
| 18. | Stem Cell Research (<i>Health Care</i>) | |
| 19. | AIDS Testing for Jail Detainees (<i>Health Care</i>) | |
| 20. | Trauma Care for Individuals in Multi County Areas (<i>Health Care</i>) | |
| 21. | Towing Bill (<i>Consumer Affairs</i>) | |
| 22. | Gas Tax Indexing (<i>Local Control</i>) | |
| 23. | Gas Tax Funding for Boating Improvement | |
| 24. | Public Marina/Working Waterfront/Affordable Housing Property Tax Differential | |
| 25. | Mobile Home Park Conversion and Relocation Issues | |
| 26. | Governmental Indemnification | |
| 27. | Planning Zoning & Building Issues | |
| 28. | Airport Issues | |

Appropriation Support Issues

29.	Loxahatchee River Initiative (<i>Water & Environment</i>)	\$ 3,254,000
30.	Lake Okeechobee Scenic Trail (<i>Water & Environment</i>)	\$ 2,500,000
31.	Florida Forever and Everglades Restoration (<i>Water & Environment</i>)	
32.	Glades General Hospital Replacement Facility (<i>Health Care</i>)	\$ 2,000,000
33.	Canal Point Sanitary Sewer Expansion System	

Legislative Support Issues

34.	Invasive Exotic Plant Control (<i>Water & Environment</i>)	
35.	Water Reservations (<i>Water & Environment</i>)	
36.	Total Maximum Daily Load Program (<i>Water & Environment</i>)	
37.	Water Conservation and Mandatory Rate Structures for Public Utilities (<i>Water & Environment</i>)	
38.	Firework Safety Local Ordinances (<i>Public Safety</i>)	
39.	State Hospital Costs for Mentally Ill Inmates (<i>Public Safety</i>)	
40.	Juvenile Justice Issues (<i>Public Safety</i>)	
41.	Criminal Justice/Growth Management Issues (<i>Public Safety</i>)	
42.	Deadly Force Definition/ Use of Dart Firing Stun Guns (<i>Public Safety</i>)	
43.	Animal Care Definitions (<i>Public Safety</i>)	
44.	Exemption from Public Records for Animal Care and Control Officers (<i>Public Safety</i>)	
45.	State Library Funding (<i>Workforce & Education</i>)	
46.	Video Franchising	
47.	Parks and Recreation (<i>Recreation</i>)	
48.	County Maintenance Division Employees as Contractors	
49.	Scanner Law	
50.	Definition of a Farm/Dumping of Manure (<i>Agriculture</i>)	
51.	Retinoblastoma (<i>Health Care</i>)	

Palm Beach County's Top Three Priorities – 2007 Legislative Session

Property Tax Reform

Background: Palm Beach County recognizes the need to explore real reforms to the existing property tax structure in the State of Florida, and like most local governmental units in Florida, has experienced first hand the effect of the Save Our Homes amendment. While residential property values have soared, tax bills for long time homesteaded properties have increased at about the rate of inflation. At the same time, assessments on non-homesteaded residential and commercial properties have increased substantially. This has resulted in a shift in the percentage of the overall tax burden from homesteaded property taxpayers to rental housing and other commercial properties.

After careful consideration of various tax reform proposals, the County has developed the following consensus recommendations to address inequities that now exist in the current property tax and appraisal system.

- ◆ **Commercial and rental property should be assessed based on the greater of its current use based on an income approach or actual purchase price rather than a higher assessment based on its potential for alternate development or redevelopment.**
- ◆ **The Florida Constitution should be amended to allow portability of the Save Our Homes reduction on homesteaded properties.**
- ◆ **A Save Our Homes type of cap of 7-10% should be extended to other residential and commercial properties.**
- ◆ **Palm Beach County recommends more consistency between Counties in the way that property is assessed.**
- ◆ **Guidelines should be strengthened for obtaining an agricultural use assessment on property.**
- ◆ **Palm Beach County does not support an increase in the \$25,000 homestead exemption.**
- ◆ **Palm Beach County does not support across the board revenue or expenditure caps.**

The County has prepared a White Paper detailing the rationale behind each of these recommendations.

PURPOSE: To address inequities in the current property tax and appraisal system.

BENEFIT: These proposed changes will help provide tax relief to both homesteaded and non-homesteaded property owners and address the real issues associated with the current tax and appraisal system.

FOR MORE INFORMATION:

Contact: Richard Roberts, Director, Office of Financial Management & Budget 561/355-2580

Palm Beach County's Top Three Priorities - 2007 Legislative Session

Lake Region Water Treatment Plant

\$3,500,000

BACKGROUND: The Lake Region Water Treatment Plant is a 10 mgd reverse osmosis water treatment facility that will utilize an alternative water supply, the Floridan Aquifer, as a source of water, replacing the three aging surface water treatment plants that are owned by the cities of Belle Glade, Pahokee, and South Bay. Each of these facilities has been under consent orders in the past due to poor water quality.

Hurricanes have severely affected water supply due to shifting water levels, sediment suspension, and massive fish kills. In 2005, Lake Okeechobee was plagued by algal blooms some of which were suspected to be toxic blue-green algae. From a public policy perspective, building one regional plant rather than funding three separate plants makes better economic sense as a consequence of the economies of scale.

Using reverse osmosis treatment of the brackish Floridan Aquifer instead of Lake Okeechobee water will free up water for restoration of the Everglades ecosystem and assist the South Florida Water Management District in meeting minimum flows and levels in Lake Okeechobee. The LRWTP will produce a very high quality drinking water supply for the cities of Belle Glade, Pahokee, and South Bay. This \$58 million project (Treatment Plant, Pipeline, Supply Wells, and Deep Well Injection Disposal Well) is partially funded through grant funding. The LRWTP is located within a State of Florida Rural Area of Critical Economic Concern under Florida Executive Order Number 01-26.

Palm Beach County requests a total of \$3.5 million from the State of Florida Legislature for the LRWTP. Palm Beach County requested \$5.0 million in 2006 and received \$4.0 million, bringing the total funds received from State appropriation to \$4.2 million. The total cost of the project is approximately \$58.0 million and includes contributions from Palm Beach County (\$12.5 million), the SFWMD (\$11.1 million), State appropriation (\$4.2 million), the Florida Department of Environmental Protection (\$2.8 million), and federal funding support (\$0.8 million). Approximately \$26.6 million is still needed to complete the funding for this project.

PURPOSE: Obtain funding for the Lake Region Water Treatment Plant for construction of the new regional water plant.

BENEFIT: The Lake Region Water Treatment Plant would provide clean drinking water for the cities of Pahokee, South Bay, and Belle Glade in the Western region of Palm Beach County and provide additional water availability to Everglades Restoration.

FOR MORE INFORMATION:

Contact: Bevin Beaudet, Director, Water Utilities Department 561/693-6001

Palm Beach County's Top Three Priorities - 2007 Legislative Session

Unfunded Mandates/ Cost Shifts

BACKGROUND: The State Legislature has frequently passed legislation that compels local governments to provide a service, program, or benefit without providing the appropriate funding or a funding source. This compromises local governments' ability to provide services requested by their local communities by diverting resources to these state-directed, unfunded mandates or cost shifts. In addition, as more and more mandates are created, local governments are faced with the burden of using local tax dollars to finance functions which they have little control over.

Quite often legislation is passed and these burdens to local government are overlooked or ignored. During the 2001 Legislative session, the legislature shifted two days of funding responsibility to the counties for funding Medicaid patient care. This amounted to a \$715,000 state to county cost shift for Palm Beach County. During the 2002 Regular Session and Special Session E, the legislature tried to shift a potential \$48 million in additional Medicaid costs associated with nursing home care. This measure was defeated; however, the Legislature has directed a study to be conducted to determine the counties' share for Medicaid nursing home costs. During the 2003 legislative session, a mandate was placed upon Palm Beach County, despite repeated objections from the county, to fund over \$4,200,000 for the operational and capital expenses associated with the creation of the Regional Transit Authority. The 2004 legislature imposed a \$4,800,000 cost shift to Palm Beach County to pay for costs associated with Juvenile Justice pretrial disposition. During the 2006 legislative session, HB 293 shifted future funding growth in communications tax revenue from cities and counties to fund fiscally constrained counties. This amounted to a cost shift of approximately \$1.2 million to Palm Beach County and its municipalities. The state must do a better job of truthfully identifying costs to local governments when passing new legislation and must provide funding or a funding source for every legislative initiative that imposes a cost on counties. Palm Beach County will oppose new unfunded mandates and unfunded state to county cost shifts.

PURPOSE: To improve the state's recognition of the costs imposed by unfunded mandates and cost shifts, and to properly fund any new legislation which will create costs at the local level. In addition, Cities and Counties hope to reverse last years communications cost shift by substituting current funding source with general revenue dollars.

BENEFIT: Eliminating unfunded mandates is legislatively responsible and will ensure that local governments can plan more effectively to provide the most basic services to their citizens.

FOR MORE INFORMATION:

Contact: Richard Roberts, Director, Office of Financial Management & Budget 561/355-2580

Appropriations Priorities – 2007

Lake Worth Lagoon Partnership Grant Program

\$3,500,000

BACKGROUND: The Lake Worth Lagoon, which stretches 20 miles from North Palm Beach to Boynton Beach, has been subjected to pollution and habitat destruction for decades. The Board of County Commissioners and the Florida Department of Environmental Protection have endorsed a \$52 million plan to restore the lagoon, including restoration of seagrasses and mangroves, removal of muck and run-off control projects. Revitalizing this important waterbody will provide long-term environmental, recreational and economic benefits to the region. State, federal and local money is being sought to help implement this plan.

The management plan identifies a project to foster community involvement by offering a cost-share program to municipalities and other eligible entities for the benefit of Lake Worth Lagoon. This project has become a reality through implementation of the Lake Worth Lagoon Partnership Grant Program. The program uses State dollars appropriated by the legislature and managed by Palm Beach County to fund construction projects to benefit the Lagoon. Projects are selected through a competitive process approved by the Lake Worth Lagoon Steering Committee. Each State dollar is matched at the local level on a minimum 50:50 cost-share basis. Through this program, over \$12.3 million in State funds and \$33.7 million in local funds have been dedicated to restoring the Lagoon. Thirty-nine projects to date have included stormwater drainage improvements, habitat restoration and enhancement, marina sewage pumpout facility, artificial reef construction, and monitoring. In 2005, a \$1 million State appropriation and \$500,000 in funding from the South Florida Water Management District was received for this project. In 2006, an additional \$2 million in State appropriations was received.

PURPOSE: Obtain funding of \$3.5 million to help implement the Lake Worth Lagoon Partnership Grant Program.

BENEFIT: Funding will help restore the Lake Worth Lagoon as a valuable public resource.

FOR MORE INFORMATION:

Contact: Richard Walesky, Director, Environmental Resources Management 561/ 233-2400

Appropriations Priorities – 2007

Beach and Inlet Management Project Appropriations
\$14,106,150

BACKGROUND: Florida's beaches are the #1 tourist attraction in the state. Their importance to the tourism industry makes them key components of our economy. Additionally, their role in providing upland property protection against storm damage is critical. Erosion has been declared by the Legislature as a serious menace to the economy and the general welfare of the state.

State funding is critical for the restoration and maintenance of Palm Beach County's beaches. Through the Shoreline Protection Program, the County is able to provide publicly accessible beaches, help maintain the tourist-based economy and protect upland property. A dedicated source of funding for beach and inlet management projects was established in 1998 from the documentary stamp tax revenue. The legislature has established intent to appropriate \$30 million annually in certain documentary stamp tax revenues to the Ecosystem Management and Restoration Trust Fund for the purposes of beach preservation and repair. To repair the extensive beach damage caused by the 2005 hurricanes, \$78.5 million was appropriated for this program last year. The County is requesting inclusion of the following Palm Beach County shore protection projects in the State's Fiscal Year 2006/07 Beach Erosion Control Program.

Project	Federal	State	County	City	Total
Juno Beach Shore Protection Project	\$1,906,000	\$5,222,000	\$5,222,000		\$12,350,000
Singer Island Shore Protection Project		\$4,160,000	\$6,240,000		\$10,400,000
South Palm Beach Shore Protection Project		\$2,256,000	\$2,444,000	\$488,800	\$5,188,800
Ocean Ridge Shore Protection Project		\$1,000,000	\$1,000,000		\$2,000,000
Jupiter/Carlin Shore Protection Project		\$1,290,000	\$1,290,000		\$2,580,000
Monitoring associated with eligible projects	\$156,800	\$178,150	\$188,550		\$523,500
Total Request:	\$2,062,800	\$14,106,150	\$16,384,550	\$488,800	\$33,042,300

PURPOSE: These projects are part of Palm Beach County's ongoing beach management and shore protection efforts.

BENEFIT: The restoration and maintenance of Palm Beach County's beaches provides a positive economic impact, storm protection for uplands, and recreation benefits for the citizens of the County and the State.

FOR MORE INFORMATION:

Contact: Richard E. Walesky, Director, Environmental Resources Management 561/233-2400

Appropriations Priorities – 2007

C-51 Sediment Management Program
\$2,000,000

BACKGROUND: Muck accumulations in the C-51 canal are affecting two major water bodies. Fine grain sediment layers ranging from two inches to several feet thick cover a substantial area of central Lake Worth Lagoon and appear to be a limiting factor in re-establishing seagrass beds. The muck accumulations are also affecting invertebrate distribution, most notably oysters. Sediments from the C-51 canal are also negatively impacting the interconnected series of lakes known as the Chain of Lakes. Removal of the accumulated sediments or muck layer and the creation of a trap or settling basin will reduce sediment loading in the Lagoon and the Chain of Lakes. Through the General Appropriations Act for FY 2006/2007, five hundred thousand dollars (\$500,000) of the project was funded.

PURPOSE: To secure State funding assistance to complete a critical surface water restoration project.

BENEFIT: Advancement of the goals of the Lake Worth Lagoon and Chain of Lakes Management Plans related to water quality improvement and habitat restoration.

FOR MORE INFORMATION:

Contact: Richard Walesky, Director, Environmental Resources Management 561/ 233-2400

Appropriations Priorities -2007

Chain of Lakes Restoration
\$2,000,000

BACKGROUND: The Chain of Lakes in Palm Beach County consists of five lakes including Lake Pine, Clarke, Osborne, Eden and Ida extending from West Palm Beach to Delray Beach. A management plan was approved by the Palm Beach County Board of County Commissioners to provide for essential fish and wildlife habitat along the lake shorelines, improve water quality by dredging mucks and organics derived from the C-51 Canal and stormwater discharges, and encourage community support and education. Several projects within this plan have been completed totaling approximately one mile of shoreline habitat created and over 10 acres of high quality wetlands restored. A \$2 million muck removal project was completed by Palm Beach County in 2005.

The next significant Chain of Lakes Project, the Habitat Restoration Project for Lake Osborne has been designed and will soon be ready for construction. This project will create/restore over 100 acres of vegetated littoral areas and hardwood wetlands. In addition, accumulated muck sediments will be removed which will open up a significant portion of Lake Osborne's substrate for native submerged vegetation colonization that will improve water quality. Local funding is available to match State funding needed to implement the Lake Osborne project and other projects designated in the management plan. During the 2006 legislative session, \$1.25 million was appropriated for the Chain of Lakes Restoration.

PURPOSE: Obtain funding of \$2 million to restore the Chain of Lakes.

BENEFIT: Habitat restoration and water quality improvements will improve the general health of the lake system, enhance recreational opportunities and improve stormwater management efficiency.

FOR MORE INFORMATION:

Contact: Richard Walesky, Director, Environmental Resources Management 561/ 233-2400

Appropriation Priorities – 2007

Loxahatchee Slough Bridge Over Northlake Boulevard
\$1,200,000

BACKGROUND: The Loxahatchee Slough forms the headwaters of the Northwest Fork of the Loxahatchee River, one of only two federally-designated Wild and Scenic Rivers in Florida. Major road crossings have had the unintended affect of depriving the Slough of needed water flow. All of the Slough lands are now in public ownership. However, most of the lands are not accessible to the public by canoe or kayak due to these major roads.

Palm Beach County, the City of West Palm Beach and the South Florida Water Management District have committed to constructing a bridge over the Slough in Northlake Boulevard. The Bridge has been designed and cost estimates indicate an approximately \$3,000,000 price tag. The County, City and District have committed \$600,000 each for a total of \$1,800,000. The three parties request \$1,200,000 in state appropriations.

PURPOSE: Obtain funding of \$1.2 million to help offset the estimated \$3 million dollar cost of bridging the Loxahatchee Slough.

BENEFIT: A bridge has been preliminarily designed which will accomplish three critical goals:

1. Allow for 150 cfs of water flow from the West Palm Beach Water Catchment Area, to the Loxahatchee Slough.
2. Allow for 50 cfs of base water flow to the Northwest Fork of the Loxahatchee River thereby assisting in a Comprehensive Everglades Restoration Goal and a goal of the Loxahatchee River Preservation Initiative.
3. Allow safe passage by canoes and kayaks to vast areas of public lands.

FOR MORE INFORMATION:

Contact: Richard Walesky, Director, Environmental Resources Management, 561/233-2400

Appropriations Priorities -2007

Transportation Funding SR 710 and SR 7

Widening of SR 710 - \$5,000,000: In 2006, Palm Beach County received a portion of the SIS allocation for SR 710 right-of-way acquisition from Military Trail to West of Congress Avenue. The County is requesting \$5 million for the acquisition of needed properties as estimated by FDOT for FY 08-10. By accelerating ROW acquisition, cost savings will be realized from increasing property values and funding can be allocated for construction.

State Road 710 provides access to the Port of Palm Beach, an intermodal hub. It also provides access to Riviera Beach, an area with a major redevelopment project underway that will provide significant economic benefits to the county and region.

Most importantly, the widening of SR 710 will provide safer driving conditions for many motorists that share this roadway with heavy duty commercial trucks that operate in and around the Port. Economic Development in this region will be enhanced by the expansion of transportation infrastructure and additional features will provide safer driving conditions for all motorists.

Extension of State Road 7 - \$4,000,000: State Road 7/US441 currently extends from the Miami area to Okeechobee Boulevard in Palm Beach County. The County is constructing a roadway northward from its current terminus that can serve as an extension of SR 7 to 60th Street as a reliever road for the Acreage. FDOT is currently completing a Project Development and Environmental (PDE) study for the extension of SR 7 to Northlake Boulevard. The area under study is in the vicinity of environmentally sensitive lands. The County is seeking funds of \$4 million for the project design.

FOR MORE INFORMATION:

Contact: Randy Whitfield, Director, Metropolitan Planning Organization 561/684-4170
George Webb, County Engineer 561/355-2006

Appropriations Priorities -2007

DMV Facility Service/Mounts Botanical Gardens
\$1,900,000

BACKGROUND: Currently, the Department of Motor Vehicles licensing building is located on a parcel of land that sits on the northeast corner of Mounts Botanical Gardens. The garden exists to support the educational mission of the Palm Beach County Cooperative Extension Service whose office is adjacent to the Garden and the DMV facility. The Garden has extensive collections of native and exotic trees, shrubs, flowers, and grasses that are used for teaching, display, research and conservation.

In 1991, a design team was asked to prepare a master plan for the Botanical Gardens that would enable it to expand and be used as an important teaching and research arm for the agriculture community in Palm Beach County. Under this Master Plan, the current site of the DMV office would become an integral part of the Botanical Gardens future Education Center.

In order to utilize the current DMV location, a new building would have to be constructed to replace the aging facility. DMV estimates figure a new "turn key" 8375 square foot building would cost approximately \$225/square foot for a replacement total before land costs of \$1,900,000. The building site is on land that can either be exchanged or granted for other property to the DMV by Palm Beach County.

In an effort to alleviate congestion at existing DMV facilities throughout the County and to improve customer service at those facilities, additional employees should be assigned to work at current DMV locations. Also the Legislature should encourage the Department to work creatively with existing businesses to provide satellite DMV locations for expanded service.

PURPOSE: To secure funding to replace the existing Department of Motor Vehicles for the future expansion of the Mounts Botanical Gardens Agriculture Education Center. To increase efficiency at current and future DMV facilities.

BENEFIT: The expansion of the Mounts Botanical Garden will allow for continued teaching and research of agriculture in Palm Beach County. The new DMV facility will replace the current aging and outdated building.

FOR MORE INFORMATION:

Contact: Brad Merriman, Assistant County Administrator 561/355-4019

Appropriations Priorities -2007

Florida Office of Homelessness

BACKGROUND: The State of Florida Office of Homelessness made a decision to exempt Palm Beach County and other large counties from competing for homeless prevention funds. This was announced in June, 2005 when the 2006 Request for Proposal was released. Before this, Palm Beach County had successfully competed for the maximum amount of funds available (Palm Beach County received \$150,000 for homeless prevention and a local non-profit also received \$150,000 for homeless prevention). The rationale used by the Office of Homelessness was that the large counties received Emergency Shelter Grants (ESG) Entitlements; small counties should therefore have the funds. Palm Beach County should be allowed to compete, as in years past, for these funds. The change announced in June for the July funds should be rescinded thereby allowing all counties to compete for these funds.

Palm Beach County has received these funds each year since inception as well as local non-profits who have also successfully competed for these funds. A \$300,000 shortfall in homeless prevention services in this County during the previous state fiscal year was a significant detriment to preventing homelessness. The PBC Department of Community Services for example, does not have funds to cover this shortfall; homeless prevention services will simply be reduced in the County. These funds are authorized through Chapter 287, Part 1, Florida Statutes and Title 24, CFR, Part 576, Emergency Shelter Grants Program: Stewart B. McKinney Homeless Assistance Act.

PURPOSE: Reinstate the ability for Palm Beach County and county non-profits to be able to compete for homeless prevention funds as authorized in Chapter 287, F.S.

BENEFIT: State funding is pivotal to the continued success of local homeless prevention services and programs.

FOR MORE INFORMATION:

Contact: Ed Rich, Director, Community Services

561/355-4700

Appropriation Priorities - 2007

Juvenile Assessment Center (JAC)

BACKGROUND: The current Juvenile Assessment Center is a shared resource between the Department of Juvenile Justice (DJJ), Palm Beach County, the State Attorney, PBC School District and other local providers. The DJJ leases the space from PBC Department of Airports for \$250,962 annually with an additional \$128,000 for maintenance and utilities. The DJJ then subleases space to the School District (\$57,600), State Attorney (\$33,600), and nonprofit providers (\$27,600) annually.

The Department of Airports is required to terminate their lease with the DJJ according to the 5-year plan for the airport property. Although the current lease is due to expire June 30, 2008, the Department of Airports has offered an additional three year lease through June 2011. Florida Statute 985.69 provides a local option to create a Juvenile Assessment Center but there is no mandate or State funding to support the physical structure.

PURPOSE: To amend Chapter 985 of the Florida Statutes to support State funding for a Juvenile Assessment Center, whose purpose is to provide an array of assessment services upon initial entry into the Juvenile Justice System for more effective case planning. Additionally, support a state community budget request for the funding of a new building.

BENEFITS: The Juvenile Assessment Center was originally created to reduce law enforcement time processing youthful offenders. Co-location of partners and services such as assessments of risk and treatment needs, intake and probation, delinquency diversion services and substance abuse assessments allows the center to serve as a one-stop for youth and families.

FOR MORE INFORMATION:

Contact: Diana Cunningham, Director, Criminal Justice Commission, 561/355-2314

Legislative Priorities -2007

Article V

BACKGROUND The past three sessions have seen the State take more responsibility for funding Florida's judicial system. During the 2004 session the Legislature passed SB 2962 which provided the funding mechanisms to pay for the state court system. The bill contains a \$4 per page increase in recording fees to fund court technology and a \$65 mandatory court cost in criminal cases to fund 1) Court Innovations/local requirements; 2) Legal Aid; 3) Law Libraries and 4) Teen Court/ juvenile programs (25% of the \$65 is dedicated to each of these 4 areas). In addition, a \$15 local option add-on to criminal and civil traffic infractions is available to all counties to fund court facilities.

In 2005, HB 1935 provided an additional \$3 court cost as a local option for the funding of teen court and allowed for the use of the \$15 local option to help fund law libraries.

While the Legislature worked very closely with local governments and other effected parties at the local level to draft these bills, there are still revisions that need to be addressed during the 2007 Legislative session. More specifically there has been the difference between the revenue projections and actual revenue receipts from these local funding sources. Revenue collections have fallen well short of original estimates and the need to expand these sources is detrimental to maintaining the current system.

The State should allow for the expansion of the \$65 mandatory court fee to be applied to civil cases in addition to the already allowed criminal cases. This fee would allow for additional revenue to fund the state court system.

PURPOSE: To see the Legislature progress further in the implementation of Revision 7 with state funding of the court system and to prevent efforts to shift state responsibilities to the local level.

BENEFIT: Fair implementation of revisions to Article V and funding of the court system.

FOR MORE INFORMATION:

Contact: Richard Roberts, Director, Office of Financial Management & Budget 561/355-2580

Legislative Priorities - 2007

Hurricane Relief Issues

BACKGROUND: During the 2004 and 2005 Hurricane Seasons, Florida has experienced billions of dollars in damage due to hurricanes which has brought forth issues with respect to emergency management that may require legislative action. The County requests support on the following items when considered during the 2007 legislative session:

Emergency Management Preparedness and Assistance Trust Fund (EMPA): The Emergency Management Preparedness and Assistance Trust Fund was created within Ch. 252 F.S. Since inception of the Trust Fund in 1993, it has remained at the same funding level despite a substantial increase in demands on county and municipal management agencies due to terrorism and active hurricane seasons. The EMPA is administered by the Florida Department of Community Affairs. Currently the Florida Emergency Preparedness Association is supporting increasing the annual surcharge per residential insurance policy from \$2 to \$4 as the current formula does not support the increasing need for Emergency Management Program development.

Wireline and Wireless 911 Funding: The ability to access emergency services by dialing 911 is a vital component to the welfare and security of Florida's residents and visitors alike. Currently, there are insufficient funds in the Wireless Emergency Telephone System Trust Fund (WETSTF) provided by the fee revenues to cover the costs of wireless 911 for the next three years. The Florida Telecommunications Industry is proposing legislation to enact the recommendations of the September 29, 2006 Proviso Report by the State of Florida Wireless Board. Those recommendations include:

- Combine and consolidate current legislation F.S.365.171, 172, 173, 174 and 175 into single, all encompassing legislation to address all facets of 911 issues.
- Changing the Wireless 911 Board to a Florida 911 Board to not only address Wireless 911 issues but those involving all facets of 911 issues.
- Collect a statewide fee of \$0.50 for wire-line and wireless accounts and add collection of the fee from Voice over Internet Protocol (VoIP)

Good Samaritan Legislation: Legislation should be adopted that amends F.S. 768.13(3) (d) that deletes only the word "gratuitously" from that section. By eliminating that word, those persons asked by the County (not the United Way or other non-governmental agency) to provide service in an emergency will not be liable for any civil damages as a result of care, treatment, or services provided, as long as the person acts prudently as any other person in a similar situation. This would cover the County's CERT teams and anyone involved in our SCU/SNS facilities that are being paid to do so.

FOR MORE INFORMATION:

Contact: Charles Tear, Emergency Management Director 561/712-6330

Legislative Priorities - 2007

Traffic Safety Photo Enforcement

BACKGROUND: Red light running has become a dangerous problem across the nation and in Palm Beach County. Local data shows that accidents that are caused by disregarding a traffic signal are on the rise, and have higher fatality and injury rates. This reflects a national trend of increased red light running and an increase in fatalities caused by accidents at signalized intersections. To help address this problem, Palm Beach County would like to implement a program to use traffic cameras to enforce traffic signals. A two-month pilot project using traffic cameras at a test intersection in Palm Beach County showed alarming results. One fifth of those who ran a red light did so two seconds after the light had changed. On average, fifty cars a day ran the light at the test site during the first month of the pilot project. During the second month of the project, following publicity about the program, that number dropped to less than twenty. Other communities which have implemented red light camera enforcement have witnessed a drop in violations of up to 62% and declines in accidents at both camera-enforced intersections and non-camera-enforced intersections. Currently, camera monitoring is used at railroad crossings and at tollbooths in the state; however, state law prohibits issuing tickets for running red lights based on photographic evidence. This prevents the County from implementing a program to use traffic cameras to reduce red light running.

Bills were filed in the 2004, 2005 and 2006 legislative sessions. While efforts to pass the bills were unsuccessful, we worked extensively with members of the legislature and industry lobbyists to advocate the benefits of this type of program. We will continue to work with the Legislature and Attorney General's office to allow for local implementation of a narrowly defined pilot program.

PURPOSE: Amend the statute to permit photographic evidence by automated equipment to issue tickets to traffic signal violators.

BENEFIT: The use of traffic cameras will help reduce the number of motorists who run red lights and potentially reduce traffic accidents, injuries, and fatalities at intersections.

FOR MORE INFORMATION:

Contact: George Webb, County Engineer 561/355-2006

Legislative Priorities - 2006

Pawn Brokering

BACKGROUND: In 1997, the State Legislature passed a bill which imposed regulation on pawnshops while preempting counties from having ordinances governing pawnshops. A major concern for consumer advocates and law enforcement officials is that it is now too easy for pawnshops to deal in stolen merchandise and maintain insufficient records. In addition, when stolen goods are found to have been pawned, theft victims must go through an overly burdensome process to try to recover their belongings.

After years of seeking stronger regulation in state law and an end to local preemption, during the 2000 session advocates gained a small success when the legislature granted FDLE funds to create a statewide database to collect information on pawned goods. This followed the agreement between law enforcement and the pawn industry that the database would be used for recovery of stolen property. The county will support legislation to codify this database without any unreasonable restrictions on its use, and supports legislation to create a certification program for pawnshop owners and managers. As such, legislation, HB 1089 by Representative Brandenburg and SB 526 by Senator Campbell, filed during the 2003 session would have required that FDLE establish and maintain a database of pawnshop transactions and secondhand goods acquisitions. During 2006, SB 694 by Senator Crist provided legislation for secondhand dealers to assist law enforcement investigations related to stolen property by expanding the categories of goods related to include mail order and internet shopping. Additionally in 2006, HB 1031 by Representative Kyle passed prohibiting counties or municipalities from enacting ordinances that require payment of any fee or tax regarding pawn transactions or purchases unless authorized under Florida Pawnbrokering Act. Previous legislation filed during the 2002 session, was intended to create a certification program for pawnshop owners and managers through the use of educational training in order to continually inform them of pawn shop business regulations and responsibilities. More comprehensive legislation was filed during the 2004 and 2005 Session that prescribes how a pawn shop owner or manager should identify items as being stolen. We seek to have similar legislation filed during the 2007 legislative session.

PURPOSE: To support law enforcement's right to use the statewide database with flexibility, restore property rights to victims, and implement certification programs for pawnshop owners and managers.

BENEFIT: Law enforcement officials will have an effective new tool for solving property crimes, crime victims will be better protected, and pawn shops will be less likely to be used for disposing stolen property.

FOR MORE INFORMATION:

Contact: Diana Cunningham, Executive Director, Criminal Justice Commission 561/355-2314

Legislative Priorities - 2007

Transportation Disadvantaged Programs
F.S. Chpt. 427 and Medicaid Non-Emergency Transportation Funding

BACKGROUND: The 2003 Florida Legislature reduced Medicaid Non-Emergency Transportation funding by \$11.1 million for the FY 2003-2004 state budget year. To deal with this 11% cut in state funding for Medicaid Non-Emergency Transportation the State of Florida Agency for Health Care Administration and the State of Florida Commission on Transportation Disadvantaged have proposed a new contract to be entered into with each Community Transportation Coordinator (CTC). The Palm Beach County Board of County Commissioners is the Community Transportation Coordinator for Palm Beach County. During the 2006 Legislative Session, the following statewide allocations were made for the listed programs along with the anticipated portion that will go to Palm Beach County:

Transportation Disadvantaged Program Statewide	35,858,193
Palm Beach County's share	1,874,305

Transportation Disadvantaged – Medicaid Services for eligible Medicaid recipients	73,000,000
Palm Beach County's share	4,500,000

In 2005, the County saw a considerable increase in the amount of funding for Medicaid Non-emergency transportation; however, reductions initiated by AHCA have significantly reduced the amount of funding by almost \$1 million that Palm Beach County was supposed to receive. The legislature should work to restore those reductions to the funding levels originally appropriated by the 2005 legislature.

PURPOSE: Restore the \$11.1 million cut in Medicaid Non-Emergency Transportation funding and continue the State of Florida's financial responsibility for this program.

BENEFIT: To continue transportation for life sustaining medical appointments of Medicaid clients residing in Palm Beach County and the entire State of Florida.

FOR MORE INFORMATION:

Contact: Chuck Cohen, Executive Director, Palm Tran 561/841-4210

Legislative Priorities -2007

Stem Cell Research

BACKGROUND: In 2005, The Board of County Commissioners of Palm Beach County passed a resolution that opposes any legislative or administrative action that would slow or ban research of embryonic stem cells produced by in-vitro fertilization that are not implanted and would otherwise be discarded or destroyed. Additionally, the resolution supports the use of state and federal funding that will enable embryonic stem cell research to move forward rapidly and ensure public access to such medical advances.

Federal funding of embryonic stem cell research is strictly limited to existing cell lines, which are not suitable for human transplantation, and these restrictions may postpone the development of cures for millions of Floridians suffering from a wide array of diseases, injuries, and birth defects such as diabetes, cancer, heart disease, Alzheimer's, Multiple Sclerosis, HIV/AIDS, Parkinson's disease, osteoporosis, and spinal cord injuries. The Florida Legislature and Palm Beach County Government have committed over \$500 million in public money toward the advancement of biomedical research. Embryonic stem cell research constitutes an investment in Florida's universities and nonprofit research community and has the potential to ease the burden of disease and disability on the citizens of the State of Florida.

During the 2006 legislative session, several bills and amendments were filed to address the issue of stem cell research and to provide state funding for its advancement. Most recently, Governor Charlie Crist has voiced his support for stem cell research.

PURPOSE: To support funding for embryonic stem cell research in the State of Florida and oppose any state or federal legislation or administrative action that would have the effect of slowing or banning research in this area.

BENEFIT: Stem cell research has the potential to prevent and cure a large array of diseases, injuries and birth defects that are currently considered incurable.

FOR MORE INFORMATION:

Contact: Todd Bonlarron, Director, Legislative Affairs 561/355-3451

Legislative Priorities - 2007

AIDS Testing for Jail Detainees

BACKGROUND: Palm Beach County continues to have concerns with the rate of HIV/AIDS infection in our local community. Currently about 3% of our local jail population is known to be infected with HIV/AIDS. In an effort to seek additional ways to decrease the spread of this preventable disease, the County is exploring the possibility of requiring jail inmates to be tested for HIV/AIDS at the time of entry as well as release from correctional facilities.

While there are potentially many costs associated with the mandatory testing of jail inmates, the ability to identify and treat this deadly disease will contribute to the long term goal of raising the awareness of its existence and eventually the prevention of its occurrence.

During the 2006 Legislative Session, HB 463 and SB 796 would have authorized counties and municipalities to test inmates before their release and required certain detention facilities to notify the Department of Health and County Health Department where inmate plans to reside if tested positive. Both bills passed unanimously through 2 House and 3 Senate Committees but were not heard on the House or Senate floor.

PURPOSE: Amend Florida Statutes to allow for the mandatory testing of HIV/AIDS infection of jail inmates upon entry and release from correctional facilities.

BENEFIT: Detection of HIV/AIDS infection will aid in the prevention and spread of this disease.

FOR MORE INFORMATION:

Contact: Ed Rich, Director, Community Services 561/355-4700

Legislative Priorities - 2007

Trauma Care for Individuals in Multi County Areas

BACKGROUND: Trauma care is an integrated system of medical services organized to ensure appropriate care to severely injured residents at all times. Per legislation passed in 1989, Palm Beach County was designated as a nucleus county, one providing trauma care to a large percentage of its residents and visitors, as well as trauma care to neighboring counties, within the coordinated statewide trauma network. The Health Care District of Palm Beach County is responsible for funding and administering the \$25 million Palm Beach County Trauma System.

The number of out of County injury transports into Palm Beach County has increased by approximately 85% since 2001, with the majority of the increase attributed to Martin and St. Lucie Counties. In CY 2005 Martin County transported 261 patients to St. Mary's Medical Center and St. Lucie County transported 216 patients to St. Mary's. Out of County transports have increased by 17% over the last two years. In 2004, 529 trauma patients were transported from out of County. In 2005, 604 trauma patients were transported from out of County. The severity of the condition of many of these transferred patients has placed financial pressure on the trauma center and has placed a strain on some of the existing resources.

Current legislation does not require counties that transport their patients into Palm Beach County to reimburse for the majority of care rendered. In 2005, there was \$7.1 million in uninsured and underinsured uncompensated hospital patient charges for out of county patients at St. Mary's Medical Center. The Health Care District's current trauma contracts provide reimbursement for Palm Beach County residents only and our enabling legislation prohibits the District from paying directly for out of county patients. The burden of caring for this population is born by the provider.

During the 2005 session, HB 497 increased penalties for red light running and effectively provided approximately \$7,500,000 for the statewide trauma network. During the 2006 session, HB 7079 doubled the fines for repeat offenders exceeding the speed limit by 30 mph or more, and HB 1465 included Palm Beach County in a pilot project enhancing penalty zones in high incident areas earmarking half of those revenues to support trauma centers. The legislature should continue to identify dollars to fund the statewide trauma network.

PURPOSE: Clarify legislation in F.S. 395.403 to ensure that trauma agencies and their participating hospitals may claim reimbursement for payment to doctors for services rendered to indigents.

BENEFIT: Allow for the flexibility of state funding to adequately meet the growing financial needs of the trauma care system to prevent closure of any trauma care centers.

FOR MORE INFORMATION:

Contact: Jon Van Arnam, Assistant County Administrator 561/355-2740

Legislative Priorities - 2007

Towing Bill

BACKGROUND: The following three changes should be considered to provide additional consumer protection:

F.S. 715.07 implies but does not require the direct and express authorization from a property owner to have a towing company remove an illegally parked vehicle. Tow company drivers have been given that "responsibility" by default. Many tow truck drivers are paid by commission and often have a financial interest in towing as many vehicles as possible - irrespective of their legally parked status. Requiring property owners (or their designee) to have a direct role in deciding to tow vehicles inappropriately parked on private property will resolve these issues and place the liability where the legislature intended (on the property owner).

F.S. 715.07 provides no guidance or definition as to what documentation is required for owners of impounded vehicles or vessels to prove they are the actual owners. Without guidance, towing companies are often uncertain when impounded vehicles can be released to owners or their agents. These definitions would save consumers considerable dollars in compounding storage fees and give towing companies direction in requiring specific types of ownership documentation.

In 2005, SB 276 would have provided additional consumer protections for individuals who have their vehicles towed. Palm Beach County was successful in working with industry representatives to include in the bill a provision which would permit consumers to use additional forms of payment (besides cash) when their vehicle is towed. This legislation was eventually vetoed by the governor. Since that time the Palm Beach County Board of County Commissioners passed local legislation requiring towing companies to accept cash, checks with imprinted name/address information, and credit cards. The legislation has been very beneficial to consumers.

Purpose: 1) Amend Florida Statute 715.07 to specifically define "express authorization" so that only a property owner or their specific designee can authorize the towing of inappropriately parked vehicles or vessels on private property. 2) Amend Florida Statute 715.07 to define the required documentation which towing companies must accept to prove that a person owns an impounded vehicle or vessel. 3) Require towing companies to accept payment for towed vehicles/vessels beyond cash to include valid checks and credit cards.

Benefit: These changes will: 1) provide additional protections to citizens from having their vehicles removed from locations without the express consent of property owners, 2) assure that owners can recover impounded vehicles in a timely fashion by producing specific documents proving ownership and 3) give owners of impounded vehicles/vessels additional options (beyond cash) for payment of towing fees.

FOR MORE INFORMATION:

Contact: Dennis Moore, Director, Consumer Affairs 561-712-6600

Legislative Priorities - 2007

Gas Tax Indexing

BACKGROUND: In 1995, the legislature began imposing indexing on gas taxes to keep pace with the Consumer Price Index (CPI), with an established floor to prohibit negative inflation. While the state has experienced great benefits from the adjusted fuel taxes, the counties continue to receive the adopted amount with no adjustment in fuel taxes in proportion to the gasoline component of the CPI. As a result of the indexing at the State level, it is estimated that the State of Florida has collected funds in excess of \$1.8 billion dollars cumulatively from 1992 to 2001.

During the 2003 Legislative Session, HB 929 and SB 1356 which would have allowed the counties to index their local gas tax were heard in several committees in both the House and Senate. The House bill died in the committee on Finance and Tax, and the Senate bill died on calendar.

PURPOSE: Indexing or adjusting for inflation of the Local Gas Taxes, both locally and thru the state will increase the counties' and cities' ability to provide funding for local transportation initiatives.

BENEFIT: Indexing will allow local governments to keep pace with required services while minimizing the effect of inflationary price increases.

FOR MORE INFORMATION:

Contact: Richard Roberts, Director, Office of Financial Management & Budget 561/355-2580

Legislative Priorities -2007

Gas Tax Funding for Boating Improvements

BACKGROUND: An increasing population with increased boat ownership combined with the conversion of public marine facilities to private ownership is putting a greater demand for public access to State waters. One of the key needs to preserve water access is to provide sufficient funding for land acquisition and public marine facility construction. Rapidly escalating waterfront land value is driving this trend making it important to secure land for public access before waterfront land becomes unaffordable. Gas used to fuel boats is taxed but not all of these funds are used for boating improvements. Increasing the current cap on the allocation available for public marine facilities will help offset the economic factors that are contributing to the loss of public access. The Florida Marine Industries Association has been supporting this issue for the past couple of years and is expected to lobby for passage this year.

PURPOSE: To support legislation that would increase the allocation of gas tax revenue available for boating improvements and waterfront access projects.

BENEFIT: Increase the amount of funding available to improve boater access to the State's waters. Improved access will preserve marine industries which are critical to local economies.

FOR MORE INFORMATION:

Contact: Dennis Eshleman , Director, Parks & Recreation Department, 561/966-6614

Legislative Priorities – 2007

Public Marina/Working Waterfront/Affordable Housing Property Tax Differential

BACKGROUND: Public access to marinas and boat ramps is decreasing in the state as the number of registered vessels continues to increase and the capacity to launch and moor boats fails to keep pace. Public to private use conversion of commercial fishing and recreational commercial working waterfronts is also contributing to the loss of public access. (Report by the Florida Senate Committee on Community Affairs, November 2004). A recent study prepared for the Marine Industries Association cited in the Senate report estimates that the marine industry represents a total economic output of over \$14.1 billion and is responsible for over 180,000 jobs in the state.

At the same time, increasing pressure is placed on owners of multi-family rental housing located on prime real estate to sell to potential condo developers looking to realize the full market value of the property. As taxes become burdensome because of “highest and best use valuation”, the enticement to sell becomes more attractive and leads to a further depletion of the already scarce affordable housing market.

Article VII, s. 4. of the State Constitution requires all property to be assessed at just value for ad valorem taxation purposes. Specific exemptions are provided for agricultural lands, aquifer recharge areas, land used exclusively for non-commercial recreational purposes, and certain historic properties. Reflecting the legal interpretation that just value means fair market value, section 193.011, F.S., requires the property appraiser to consider the highest and best use to which the property can be expected to be put in the immediate future as well as the present use of the property when deriving just valuation. This method of assessment is likely to result in valuations based on the possible future use of commercial waterfront properties or rental housing units for high-end residential condominiums. The increased ad valorem assessments that result from this assessment method are contributing to the growing trend of owners of working waterfront properties and owners of multi-family rental units to sell out to developers seeking to satisfy the increasing residential market demand for waterfront and other high end property.

PURPOSE: Request that the Legislature pass a joint resolution to allow the electorate to consider a constitutional amendment providing a property tax exemption or tax differential for working waterfront and affordable rental housing property.

BENEFIT: To assist in the preservation of commercial fishing, recreational and commercial working waterfronts and enhanced public access to Florida’s waterways, and to provide affordable housing in desirable locations.

FOR MORE INFORMATION:

Contact: Richard Roberts, Director, Office of Financial Management & Budget 561/355-2580

Legislative Priorities – 2007

Mobile Home Park Conversion and Relocation Issues

Mobile Home Park Conversion Relocation Study: Palm Beach County is currently processing Zoning applications to rezone existing Mobile Home Parks (MHP) to other forms of residential development. The existing MHPs currently provide affordable housing to residents of Palm Beach County. The increased demand for land is resulting in developers looking to purchase and convert these MHPs resulting in displaced residents. F.S. 723 does not provide clear standards to assist local governments in evaluating the appropriateness/completeness of the Relocation Study required when this type of development occurs. As more redevelopment happens in cities and counties around the state, there will be increased challenges of how to ensure adequate/suitable accommodations for displaced residents.

Lakeside Mobile Home Park Flood Mitigation Project: The Lakeside Mobile Home Park is located at the lowest elevation level of the C-51 Basin and is one of the lowest lying areas in northern Palm Beach County and as a result, suffers the worst flooding in the entire basin. Over the years, the Lakeside Mobile Home Park has been evacuated numerous times due to high water and has risen as high as three feet. During the past hurricanes, the lake adjacent to the park overflows into the lower side of the park and becomes one with the Park. As areas around the Park continue to build higher, the flooding problem is only exacerbated. Furthermore, because this area is the lowest populated area in the C-51 Basin, it determines at what stage water level is safe in the entire basin. That contributes to flooding within the Westgate-Belvedere Homes CRA and farther downstream. The best way to solve the flooding problem for the Lakeside Mobile Home Park's residents is to purchase the lowest southern end where the flooding is most critical, work with the owner to relocate the residents, and excavate at least a portion of the Park to provide additional storage for the C-51 Basin.

PURPOSE: F.S. 723 should be amended to provide clear definitions of "adequate" and "suitable" as they apply to relocation facility requirements and should provide clear direction as to an appropriate and sufficient methodology to reach a conclusion. State efforts should be supported to provide housing incentives to assist in the relocation of residents in addition to total project costs.

BENEFIT: Mobile Home Parks are one of the remaining affordable housing alternatives for residents in rapidly developing areas of the state. Clarifications to this area of law will provide displaced residents of converted Mobile Home Parks an opportunity to understand and evaluate housing options when a conversion takes place. In the specific local example, the C-51 Basin storm water storage will increase significantly and will help in the reduction of storm water runoff containing pollutants and sediments which flows through the C-51 canals and the Lake Worth Lagoon in periods of heavy storm events.

FOR MORE INFORMATION:

Contact: Barbara Alterman, Director, Planning, Zoning, and Building 561/233-5000
Elizee Michel, Executive Director, Westgate/Belvedere Homes CRA

Legislative Priorities - 2007

Governmental Indemnification

BACKGROUND: In April 2000, the Attorney General issued an opinion regarding a county's ability to indemnify other parties. His opinion offered a very narrow interpretation of Florida Statute 768.28 which has had a serious impact on Palm Beach County's ability to provide services and implement programs. There are two types of agreements that have been negatively affected by the opinion: 1) agreement between public entities for the use of property, services, etc. which include permits, easement and other regulatory instruments; and 2) agreements with private parties which require some sort of indemnification and/or insurance. On several occasions since the opinion was issued, the county has faced long delays in obtaining permits and easements on projects and in some cases has been unable to negotiate leases altogether because of our inability to indemnify or insure for county actions on the leased property.

The statute needs to be clarified so that, when entering a contractual relationship, local government entities have the option to indemnify and/or insure non-government entities for damages caused by the local government's actions up to the existing limits of sovereign immunity. The county should be held liable for its own actions when providing a public use/service/action under a contract with a non-government entity. In addition, when entering a contract with a state or federal entity that entity may be indemnified if the local government so chooses. This could be done without increasing the limits already in place.

PURPOSE: To amend Chapter 768 of the Florida Statutes to clarify government entities' ability to indemnify other parties up to the limits of sovereign immunity.

BENEFITS: County contracts and negotiations will not be further impacted by the Attorney General's opinion on indemnification.

FOR MORE INFORMATION:

Contact: Audrey Wolf, Director, Facilities Development 561/233-0204

Legislative Priorities - 2007

Planning Zoning & Building Issues

BACKGROUND:

Florida Product Approved Products: The County requests that F.S. 553.842(d) be amended to read: "A complete final technical review by the Commission of product submittals, prior to their approval," and Florida Statutes 553.842(16) be amended to include: "The Commission shall ensure that prior to products obtaining state product approval, the commission performs a complete final technical review. The Commission shall by rule establish criteria for the minimum requirements of the technical review for each product type." This amendment would provide that all products receive a technical review in addition to the administrative review from the State prior to being approved and listed on the Building Code Information System (BCIS) website. In addition, it needs to be clarified that products listed on the BCIS website are "Florida Product Approved" for statewide use.

Civil Citations: Amend F.S. 489.127 to read: "A certified or registered contractor, or a contractor authorized by a local construction licensing board, shall not perform work for which he or she is not properly licensed, subcontract to unlicensed persons to perform work that requires a license, or fail to obtain required permits." This amendment would impose criminal penalties on a licensed contractor who performs unlicensed activity, hire unlicensed persons to perform work that requires a license, or fails to obtain required permits.

Expansion of the Home Inspection and Matching Grants Program: To have the Florida Department of Financial Services expand the Home Inspection and Matching Grants Program to include "all principal dwelling units with individual values of under \$500,000 and not only those subject to homestead exemption. Also, to include apartment buildings, condominiums, including those over 4 units, and allowing each unit in the building to be addressed independently of each other, for specific elements of the unit that are not elements shared with the other units in the building.

PURPOSE: Amend F.S. 553.842 to require that all products receive a technical review before being approved by the State and amend F.S. 489.127 to ensure that contractors are properly licensed before performing work.

BENEFIT: Ensuring that products are technically sound and that contractors are properly licensed will provide greater consumer safety protection.

FOR MORE INFORMATION:

Contact: Barbara Alterman, Executive Director, Planning Zoning and Building 561/233-5008

Legislative Priorities - 2007

Airport Issues

BACKGROUND:

Gas Tax Waiver for Airport Shuttle Buses: Amend Florida Statutes to provide that fuel purchased by the County and furnished without charge to a Contractor for exclusive use in airport shuttle buses operated on behalf of and for the benefit of the County is used exclusively by the County for a tax-exempt purpose.

Disposition of abandoned motor vehicles & aircraft on airport property: Amend state laws to create one uniform disposition of abandoned vehicles or aircraft law that also consistently defines the terms abandoned, inoperable and derelict.

Prompt Payment Act: The Florida Prompt Payment Act specifies time periods with which payments must be made to Contractors. Board of County Commissioner approval is required for checks to be issued and the BCC Agenda review cycle is approximately 30 days furthermore the Board only meets once a month during November and December which makes it very difficult to comply with the Act. In the event that the County rejects an invoice the time period for payment to a contractor is further shortened. The Act should be modified to reflect the reality of the County's payment processes.

Post Hurricane/ Disaster Funding for Airports: Amend Florida Statutes to provide legal authority to The Florida Department of Transportation to be authorized to make available SIB loans for airports in the event of a hurricane/disaster.

PURPOSE: To amend state law to allow for gas tax waivers for airport shuttle buses operated by contractors and to allow for additional leniency in making payments under certain circumstances in the Prompt Pay Act.

BENEFIT: Tax waivers will help to keep operational costs down and additional changes will provide for more efficient operation of airport facilities.

FOR MORE INFORMATION:

Contact: Bruce V. Pelly, Director, Department of Airports 561/471-7412

Appropriation Support Issues -2007

Loxahatchee River Initiative

\$3,254,000

BACKGROUND: The Loxahatchee River is the southernmost tributary of the Indian River Lagoon and includes the North Fork of the Loxahatchee River, one of two nationally designated Wild and Scenic Rivers in Florida. The watershed covers 277 square miles in northern Palm Beach County and southern Martin County. Despite its Federal designation as a Wild and Scenic River and the protective status associated with classification as an Outstanding Florida Water, there are significant problems with the River that need to be addressed. Development in the River's watershed has altered much of the natural state of the River and water quality concerns are widespread. Sediment buildup, muck and pollutants are threatening the sustainability of the River's underwater and shoreline ecological habitat and urban and agricultural runoff is impacting the formerly pristine River estuary. Within the Wild and Scenic portion of the River, virtually all of the cypress trees in the lowermost segment have been killed by the upstream movement of saltwater. This condition is the direct result of hydrologic alterations of the watershed that have reduced the volume of freshwater to the River.

The Loxahatchee River Preservation Initiative is the outgrowth of a watershed management effort started by the Department of Environmental Protection in 1996. A multi-agency and community-based coalition, the Loxahatchee River Watershed Planning Committee was created shortly thereafter to define and evaluate the status of the entire watershed and propose actions that would improve and protect the natural resources within the watershed. The Committee's finding was published in the Loxahatchee River Watershed Action Plan which emphasizes urban stormwater improvements and the restoration of the tributaries and estuarine portion of the River system. Over the past three years, several of the proposed projects have been implemented. In 2005, \$3,573,125 was appropriated for the Initiative and an additional \$3,722,550 was received for Initiative projects in 2006.

PURPOSE: Obtain funding of \$3,254,000 for the Loxahatchee River Preservation Initiative.

BENEFIT: Funding will help restore the Loxahatchee River as a valuable public resource.

FOR MORE INFORMATION:

Contact: Richard Walesky, Director, Environmental Resources Management 561/233-2400

Appropriation Support Issues - 2007

Lake Okeechobee Scenic Trail
\$2,500,000

BACKGROUND: The Lake Okeechobee Scenic Trail (LOST) is part of the Florida National Scenic Trail, one of eight federally-designated National Scenic Trails in the country. It is a multi-agency, multi-government project to turn the lands around Lake Okeechobee into an internationally-recognized recreational area and tourist destination. This in turn will help revitalize and provide economic stability to the communities surrounding Lake Okeechobee. It will also provide unique and accessible recreational activities to the 10 million+ Floridians living in the urban areas within two hours of the Lake. Extensive plans and designs have already been developed on a wide variety of projects in conjunction with the LOST.

This is a multi-phase project. The first phase, project development and Environmental Impact Statement will cost an estimated \$1.4 million. Phase two, final design, will cost an estimated \$4.2 million and the Construction/Engineering/Inspection phase will cost an estimated \$27.1 million. The total cost for LOST will be approximately \$33 million. The Florida Department of Transportation is responsible for administering the project. FDOT has already expended funds on the project and has also got a commitment of \$12.5 million in federal funds for the project which will be spread out across all three phases. The total remaining that FDOT will seek is \$21 million. During the 2001 budget year the FDOT has allocated \$12 million for this project. During the 2002 budget year we supported the inclusion of \$2.5 million in the Department of Environmental Protection Agency's budget which eventually was removed from their priority list. For the 2006 session, we will continue to work with DEP to include \$2.5 million in their budget for the LOST project.

Approximately two thirds of the projects that need to be completed as part of LOST are in Palm Beach and Martin Counties. These projects include: surfacing of the trail, improvements to water/sewer and other amenities, and intermodal connectors to towns along the Trail. In 2005, the legislature appropriated \$1,000,000 for trailhead construction on the scenic trail. During the 2006 Session \$1.5 was appropriated with the requirement that \$500,000 be designated for trailhead improvements. The trailhead improvement requirement was vetoed by the Governor.

PURPOSE: To obtain funding for DEP and Palm Beach County for the implementation of projects in the Master Plan for the LOST.

BENEFIT: Funding will help make the projects included in the LOST Master Plan a reality. This will fuel an economic revitalization of the region and provide exciting new recreational activities for Florida residents and tourists.

FOR MORE INFORMATION:

Contact: Duane Gainer, Planning, Zoning & Building Department 561/233-5318

Appropriation Support Issues – 2007

Florida Forever and Everglades Restoration

\$300 Million for Florida Forever and \$100 Million for Everglades Restoration

BACKGROUND: The Florida Forever Program, which replaced the highly successful Preservation 2000 Conservation Lands Acquisition Program, is described by the Florida Department of Environmental Protection as the “blueprint” for conservation of our unique natural resources. It encompasses a wide range of goals including: acquisition of conservation lands, restoration of damaged environmental systems, water resource development, increased public access, public lands management and maintenance, and increased protection of land by conservation easements. Millions of acres of lands have been preserved under this program and predecessor programs. Additionally, at least 27 local governments have initiated conservation lands acquisition programs, leveraging state dollars with local funds to preserve locally and regionally important ecosystems.

The Florida Everglades is unique ecosystem that is considered one of Florida’s “great treasures”. Federal legislation beginning in 2000 created the Comprehensive Everglades Restoration Plan (CERP). This partnership of the Army Corps of Engineers, the South Florida Water Management District and many other federal, state, local and tribal partners is working in concert with State legislation known as the Everglades Forever Act to restore the Everglades Ecosystem. At least \$100 million dollars annually in State Funding is needed to maintain the restoration efforts.

PURPOSE: To support legislative appropriations for critically important State land preservation and ecosystem restoration programs.

BENEFIT: Preservation of the conservation lands, environmental restoration, water resource development and supply, increased public lands access, improved land management, increased protection of lands.

FOR MORE INFORMATION:

Contact: Richard Walesky, Director, Environmental Resources Management 561/ 233-2400

Appropriation Support Issues - 2007

Glades General Hospital Replacement Facility
\$2,000,000

BACKGROUND: Glades General Hospital is a public hospital serving a medically underserved area of rural Palm Beach County. One-third of the 35,000 residents served by the hospital have incomes below the poverty level and approximately 50% of all patients served by the hospital are Medicaid enrollees. Charity and uninsured care make up an additional 20% of the care provided by the hospital. The Glades Area has both a primary care and specialty care physician shortage and maintains significant health disparities when compared to the rest of Palm Beach County for HIV/AIDS, asthma, diabetes, teen pregnancy, and prenatal care. A portion of the current facility was built in 1949 with the main hospital building constructed in 1965. Both structures have outlived their useful life and require replacement. Glades General Hospital has recently completed a Strategic Master Facility Plan for the construction of a replacement hospital. It is critical that a replacement hospital be constructed in the western portion of Palm Beach County to ensure that access to quality healthcare remains available to residents of Belle Glade, Pahokee, South Bay, and Canal Point.

Given the estimated \$52,000,000 capital cost of the facility, and the demographics of the area, it is imperative that considerable funding for this project come from State and Federal sources.

In March 2005, the Health Care District of Palm Beach County's Board of Commissioners committed \$40,000,000 to help fund the project.

PURPOSE: Obtain funding for the Glades General Hospital Replacement Facility to ensure the design and construction of the new hospital.

BENEFIT: The Glades General Hospital Replacement Facility will provide first-rate health care services to residents of Belle Glade, Pahokee, South Bay, Canal Point, and surrounding communities in the western region of Palm Beach County.

FOR MORE INFORMATION:

Contact: Dwight Chenette, CEO, Health Care District of Palm Beach County 561-659-1270

Appropriation Support Issues - 2007

Canal Point Sanitary Sewer Expansion Project

BACKGROUND: To obtain final funding in the amount of \$600,000 to complete the Canal Point Sanitary Sewer Expansion Project. This project falls within the Department of Environmental Protection and is a coordinated effort between the City of Pahokee and Palm Beach County. The preliminary engineering report completed in 2003 estimated the project at \$1,659,395. The updated project cost has increased to approximately \$2,577,676 due to hurricanes and the cost of labor and materials.

Funding acquired for construction includes: County (CCRT)-\$440,000, USDA Rural Development-\$400,000. PBC Housing and Community Development-\$105,394, DEP (special projects) - \$700,000, pending request into CCRT (2007) - \$500,000.

PURPOSE: Funds will assist with the City of Pahokee's Sewer Plant and the lines extending into unincorporated Canal Point up the West Palm Beach Canal.

BENEFITS: The sewer expansion will enhance economic development efforts in these communities providing a healthy and safe environment.

FOR MORE INFORMATION:

Contact: Kevin Johns, Director, Economic Development 561/355-3624

Legislative Support Issues – 2007

Invasive Exotic Plant Control

BACKGROUND: Invasive exotic plant species such as Melaleuca, Australian Pine and Brazilian Pepper currently infest large areas of public lands in South Florida. Other species such as Old World Climbing Fern, Air Potato, Sewer Vine and Burma Reed are moving into conservation lands managed by local governments, including Palm Beach County's recently acquired natural areas. These species are spreading rapidly, reducing the areas' value for wildlife habitat and public use. If these species are not controlled, they can cause health problems, increase the incidence and severity of wildfires, adversely affect populations of endangered and threatened species, and reduce the value of acquired lands for public education and recreation. Invasive aquatic weeds are also negatively impacting the freshwater lakes and canals in the County. Local governments can not regulate invasive exotic plants that are not on a list adopted and maintained by the Florida Department of Agriculture and Consumer Services (DACS). Florida Department of Environmental Protection (DEP) Class I and Class II Aquatic Plants are not on the DACS list. The list is reviewed every two years by DACS and the University of Florida Institute of Food and Agricultural Science (IFAS). DEP is not part of the review committee.

PURPOSE: Support legislative policies that strengthen invasive exotic plant control efforts and actions that make additional funds available to local governments for this purpose. Resolve inconsistency in state listing of invasive plants by adding reference to DEP Class I and II plants. Amend statute to include DEP in the agencies responsible for reviewing the master invasive exotic plant list.

BENEFIT: Additional state funding and support for invasive exotic plant eradication efforts and management of the County's natural resources. Strengthening of state invasive exotic plant control policies and improved consistency among state agencies.

FOR MORE INFORMATION:

Contact: Richard Walesky, Director, Environmental Resources Management 561/233-2400

Legislative Support Issues - 2007

Water Reservations

BACKGROUND: Chapter 373, Florida Statutes, allows the Water Management Districts (Districts) and the Florida Department of Environmental Protection (DEP) to reserve from use by permit applicants, water that may be required for the protection of fish and wildlife or for public health and safety. The Statute does not include specific criteria for reservations or a process for creating them. Since 1972, only one water reservation has been established in the State (Paynes Prairies Preserve -1994). In addition the Water Resource Development Act of 2000 (WRDA 2000) requires reservations of water concurrent with the design of projects within the Comprehensive Everglades Restoration Plan (CERP). In related rulemaking, DEP has proposed criteria related to water reservations in their Water Resource Implementation Rule (Chapter 62-40, F.A.C.) The rule amendments are currently under challenge by various interest groups.

In response to concerns expressed by the development community and utilities that reservations of water could limit access to water for public water supply purposes, bills to repeal the statutory authority of the Districts and DEP to reserve water were filed in the 2003 legislative session. The bills were strongly opposed by the DEP and statewide environmental organizations. Amended versions of the bills considered during the session would have retained the authority of the DEP and districts to create reservations under various restrictions and caveats. The bills died in session. Additional legislation on this topic is expected in 2007.

PURPOSE: To oppose legislation that repeals the authority of the Districts and DEP to create water reservations for the protection of fish and wildlife or the public health and safety. To support legislation providing specific criteria and a scientifically-based process similar to the setting of minimum flows and levels for the establishment of reservations and the maintenance of current statutory language that protects existing legal users of water so long as such use is not contrary to the public interest. The process should consider the needs of the environment and legal users of water including agriculture, urban and other water suppliers.

BENEFIT: Preservation of the authority of the districts and DEP to create reservations to protect fish and wildlife and public health and safety while protecting the interests of environmental, public water supply, and agricultural users.

FOR MORE INFORMATION:

Contact: Bevin Beaudet, Director, Water Utilities Department 561/493-6001
Richard Walesky, Director, Environmental Resources Management 561/233-2400

Legislative Support Issues - 2007

Total Maximum Daily Load Program

BACKGROUND: Under the Federal Clean Water Act, states are required to submit a list of impaired water bodies and establish Total Maximum Daily Loads (TMDL) in those water bodies. The states are charged with identifying what is contributing to the nutrient/pollutant loading, develop the maximum nutrient/pollutant load that the affected water body can sustain, and implement a program or regulation to protect the water body. This program will have far-reaching impacts and will affect the environment, agriculture, urban areas, as well as water supply. Therefore, the program must be developed cautiously and with consideration of all possible ramifications. For example, water reclamation projects that recycle water provide environmental and water supply benefits which could be negatively impacted by the TMDL program. The Florida Department of Environmental Protection is currently developing regulations regarding the implementation of a State-Wide Total Maximum Daily Load (TMDL) Program.

PURPOSE: Monitor the development of the state's TMDL program to ensure that the input of local governments is properly considered.

BENEFITS: A balanced process in the development of the state TMDL program which protects existing water reclamation projects would benefit all users.

FOR MORE INFORMATION:

Contact: Bevin Beaudet, Director, Water Utilities Department 561/493-6001

Water Conservation and Mandatory Rate Structures for Public Utilities

BACKGROUND: Legislation mandating the establishment of specific statewide conservation rate structures and drought rates on a “one size fits all” basis would negatively impact local government utilities. Utility rulemaking is already a very complex process, and is currently governed by a myriad of State rules and regulations. If the State mandates a particular conservation rate structure, it could negatively impact the ability of a local government to properly fund its operations. The end result is that the local utility would not have the funding necessary to implement the various water conservation and alternative water supply initiatives that may be needed in the future. Palm Beach County has voluntarily adopted a very strict conservation structure in order to reduce water demands and preserve regional water resources, and it has been very effective. However, these rates were developed to match the local situation in Palm Beach County, and may not be applicable to the rest of the state. The South Florida Water Management District currently requires all water use permittees, including Palm Beach County, to develop and implement a water conservation plan as a condition to the water use permit. This plan allows for flexibility in addressing site-specific conservation issues. Palm Beach County has a completed Water Conservation Plan that has been submitted to the Water Management District in September 2005. The State should focus its efforts on establishing global conservation goals and creating incentive programs to encourage local governments to voluntarily comply with those goals.

Palm Beach County recognizes that water conservation is unique to each local utility and should be addressed through a community’s water conservation plan and any attempt to develop a statewide comprehensive water conservation program should provide the process and methodology for local utilities to develop a specific, “goal-based” water conservation program, unique to their community, which could include a wide array of alternative water conservation initiatives. Funding should be provided by the District’s for those programs that meet specific, “goal-based” criteria established through the statewide comprehensive water conservation program. Any change in State water law should recognize that a local public utility has the responsibility and right to establish rates and rate structures for its services.

PURPOSE: Oppose state legislative initiatives and proposed DEP rules which would mandate “one size fits all” water conservation and mandate rate structures for public utilities.

BENEFIT: Allowing local governments to determine conservation plans and rate structures will allow them the flexibility to effectively deal with site specific conservation issues and to adequately fund daily operations.

FOR MORE INFORMATION:

Contact: Bevin Beaudet, Director, Water Utilities Department 561/493-6001

Legislative Support Issues -2007

Firework Safety Local Ordinances

BACKGROUND: During the 2005 session, the fireworks industry unsuccessfully attempted several amendments that would have preempted the regulation of fireworks for all local ordinances passed after March 1, 2005. In 2006, Senator Lawson introduced SB 440 that would define agencies responsible for enforcing provisions and would revise registration requirements for manufacturers, distributors and wholesalers of sparklers or fireworks but the bill died in Committee. From July 2005 through July 2006, over 5000 incidents/complaints regarding fireworks were filed with Palm Beach County law enforcement agencies. Palm Beach County's local ordinance currently allows the ability to impose restricted use of fireworks in drought conditions and requires us to inspect the fireworks stores four times a year.

PURPOSE: Oppose initiatives that would weaken our current ability to impose local restrictions on fireworks sales.

BENEFIT: Local regulation allows for a better ability to respond to impending safety concerns regarding the use of fireworks under certain conditions.

FOR MORE INFORMATION:

Contact: Steve Jerauld, Fire Marshal, Fire Rescue 561/616-7004

Legislative Support Issues - 2007

State Hospital Costs for Mentally Ill Inmates

BACKGROUND: Florida Statute 916.17 states that a jail may be used as an emergency facility for up to 15 days following the date the department or agency receives a completed copy of the court commitment order for transfer to a State hospital. Since January 2006, 23 individuals in Palm Beach County have been committed to State facilities, and have waited an average of 59 days beyond the statutorily mandated 15 days before being accepted or transported to a State hospital. This represents an average cost of \$5,310 per inmate in additional costs, a total of over \$118,000 that Palm Beach County has absorbed in jail costs for inmates who should have been transferred to State facilities within the mandated 15 days. As of September 2006, there were 358 individuals awaiting placement statewide.

PURPOSE: To provide State funding to the DCF in order to fulfill its' statutory obligations to receive inmates committed to state hospitals within the mandated 15 days.

BENEFITS: Recognizing this as a statewide problem, all counties in Florida would save jail bed costs if the DCF could fulfill its statutory obligations and would in turn provide some relief to jail overcrowding.

FOR MORE INFORMATION:

Contact: Diana Cunningham, Director, Criminal Justice Commission, 561/355-2314

Legislative Support Issues - 2007

Juvenile Justice Issues

BACKGROUND: With increasing attention to illegal juvenile activity in Palm Beach County and the decrease in the availability of funding, the County requests support for the following issues:

PBC Regional Detention Center: The Regional Detention Center was built in 1983 and requires replacement. Although the DJJ has spent \$750,000 in rehabilitation, the facility remains inadequate due to lack of classroom space, a confidential medical facility, office space for mental health services, and visitation facilities. Due to cost shifts and shared costs, Palm Beach County is intimately involved with the detention center.

Pay Scales of Juvenile Probation Officers: Last year (2005-2006), Juvenile Probation Officers received an 8% increase to bring the entry annual pay to \$29,344. This remains 9.9% behind that of an adult probation officer who starts at \$32,577 as a trainee. There is a long standing history of Juvenile Probation Officers and Justice Detention Officers leaving the juvenile justice arena to perform comparable work in the adult system for an increase in pay. The Department of Juvenile Justice is well known as a training ground for the adult system.

Delinquency Prevention Grant Funding: Request to increase the total amount of available Delinquency Prevention Grant Funding and to restore the 77 positions in the Bureau of Prevention & Victims Services. Currently there are only 17 FTE positions to handle all Prevention Grants statewide (32 Circuits). The DJJ administers the grant funds throughout the state which are a compilation of funds from multiple sources. In 2003/04, Circuit 15 Delinquency Prevention Grant funding was \$443,760 compared to the 2006/07 allocation of \$312,204.

Purpose: To increase resources aimed at curbing illegal juvenile activity.

Benefit: By increasing resources aimed at preventing juvenile crime, the ability of turning juvenile offenders from a life of crime toward a more productive lifestyle can be accomplished.

FOR MORE INFORMATION:

Contact: Diana Cunningham, Director, Criminal Justice Commission, 561/355-2314

Legislative Support Issues - 2007

Criminal Justice/Growth Management Issues

Background: Sustained growth in Palm Beach County population and the number of law enforcement officers in the County has greatly exceeded additional proportional funding for State Attorneys, Public Defenders and Judges. It is anticipated that during 2007 at least 30,000 new residents and up to as many as 100 additional law enforcement officers will be in Palm Beach County. Increases in population and law enforcement officers will mean increases in arrests and in jail bookings. For many years, funding for additional State Attorneys, Public Defenders and Judges has been nearly stagnant. Funding for Department of Juvenile Justice and Department of Corrections personnel has actually decreased. Regardless of the effectiveness and efficiency of any given judicial district, continued increases in arrests will eventually overtake the judiciary's ability to handle the increased cases coming into the criminal justice system.

It is imperative that the legislature fund their responsibilities within the criminal justice system in a manner that keeps pace with growing populations across Florida and growing numbers of law enforcement officers employed by Counties and Municipalities.

Purpose: To allow for the judicial system to keep pace with the increase in population growth and the addition of new law enforcement officers.

Benefit: Additional funding for Judicial related expenditures will help ease the current backlog in court activities and keep up with the increased growth in our state.

FOR MORE INFORMATION:

Contact: Diana Cunningham, Director, Criminal Justice Commission, 561/355-2314

Legislative Support Issues - 2007

Deadly Force Definition/ Use of Dart Firing Stun Guns

BACKGROUND: Amend Florida Statute 776.06(2) (a) Deadly Force, to read as follows:

The term “deadly force” does not include the discharge of a firearm by a law enforcement officer or correctional officer during and within the scope of his or her official duties which is loaded with a less-lethal munition. As used in this subsection, the term “less-lethal munition” means a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person’s body, except for dart-firing stun guns.

The State Attorney has requested an amendment to Florida law in response to Taser dart firing stun guns being the “less lethal munition” of choice for a majority of law enforcement agencies. The reason for the exception is that the actual barb of the dart-firing stun gun does penetrate the body approximately 1/6th of an inch.

If the change to this section occurs, the immunity for civil liability for using dart-firing stun guns will be granted to law enforcement officers in the same manner as all other less lethal munition.

PURPOSE: Under current law, if an officer uses dart firing stun guns they could individually be subject to civil liability in addition to the agency having civil liability.

BENEFIT: Provide additional liability protection for law enforcement officers and their agencies.

FOR MORE INFORMATION:

Contact: Barry Krischer, State Attorney, 561/355-7100

Legislative Support Issues -2007

Animal Care Definitions

BACKGROUND: Classification of “Dangerous Dog” Definition: Currently, the definition of a “dangerous dog” the F.S. 767.11 includes a dog that has *more than once* severely injured or killed a domestic animal while off the owner’s property. This allows for animals displaying aggressive or vicious tendencies towards other animals to injure or maim numerous animals before they may be classified as dangerous. Removing the language “more than once” from the statute will allow Animal Care and Control to classify a dog as dangerous after it has severely injured another domestic animal after one incident. Upon classification as a dangerous dog, such dogs will have to be muzzled and leashed when not confined in a proper enclosure, in addition to other requirements designed to protect the public.

Amendment to F.S. 828.073: Currently F.S. 828.073 provides the situations in which the County may lawfully take temporary custody of a neglected or mistreated animal and may petition the court for an award of permanent custody. Section 828.073(2), Florida Statute provides in part that “nothing herein is intended to require court action for taking into custody and making proper disposition of stray or abandoned animals.” However, it fails to define the words “stray” or “abandoned” to provide direction as to when the County can take permanent custody of an animal without filing a custody petition. The County seeks the addition of definitions in the Statute to make that clarification.

Proposal to Add to F.S. 828.073: New sections should also be added to this law which would first allow an animal to be “deemed” abandoned if after proper notice, no owner presents themselves within a prescribed period of time. The next section should provide clarification that provides when animals are taken into custody pursuant to Section 828.073, Florida Statute which are so injured or sick as to have little chance of recovery may be immediately euthanized, upon the recommendation of a licensed veterinarian.

Additionally, Florida Statute 49.10 should be amended to require that service of process by publication as authorized under F.S. 828.073 shall be for a two-week period as opposed to the current four-week period. By expediting a final ruling of custody period will assure that animals are adopted in a timely manner and save additional costs incurred to feed, shelter and care for animals for extended periods of time and the cost of additional weeks of publication.

PURPOSE: Amend Florida Statute 767.11 on dangerous dogs and amend Florida Statute 828.073 to add definitions of “stray” and “abandoned” to provide clarification of when a county is able to take permanent custody of an animal. Amend F.S. 49.10 to reduce from four weeks to two weeks, the time that a county must publish when an animal is lost or abandoned.

BENEFIT: These changes will expedite the process of a county taking custody of an animal and allowing it to be placed in an adoptive home in a timelier manner.

FOR MORE INFORMATION:

Contact: Dianne Sauve, Director Animal Care and Control

Legislative Support Issues - 2007

Exemption from Public Records for Animal Care & Control Officers

BACKGROUND: Animal control officers and agents play an important role in protecting animals in this state by investigating alleged acts of animal cruelty, neglect and mistreatment. As a result of their law enforcement function, these officers and agents often become the target of disgruntled citizens who have been investigated or cited for law violations. Exempting from public dissemination the personal information of these animal control officers and their families is necessary to assure their safety.

It is suggested that Section 119.71(4), F.S. be amended to add the following language: The home addresses, telephone numbers, social security numbers, and photographs of active or former animal control officers as defined in Section 828.27, F.S. and agents as defined in Section 828.03, F.S. who are appointed to investigate violations of the law for the purpose of protecting animals; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such officers and agents; and the names and locations of schools and day care facilities attended by the children of such officers and agents are exempt from Section 119.07(1), F.S..

PURPOSE: To amend Section 119.071(4), Florida Statutes, "General exemptions from inspection or copying of public records", by adding and exemption from public disclosure of personal information identifying animal care control officers.

BENEFITS: Will provide Animal Care and Control Officers protection of their personal information from persons who violate laws that protect animals.

FOR MORE INFORMATION:

Contact: Dianne Sauve, Director, Animal Care and Control 561/233-1250

Legislative Support Issues - 2007

State Library Funding

BACKGROUND: Local governments receive state support for libraries through three different programs: the State Aid program, the Regional Multi-type Library Cooperative Grant program, and Public Library Construction Grant program. Continuation of these funding sources will ensure that the State will play an appropriate role in enhancing public library service by matching local library expenditures, enhancing consortia services to area libraries, and providing needed dollars for the construction of new public libraries.

State Aid

The FY06-07 State Aid funding for public libraries remains the same as the previous year at \$31.8 million. **Staff recommends that funding be increased by an additional \$10 million to meet the rising proportion of expenditure of local funds and the increased number of eligible Florida libraries.** The statutory limit for State funding is 25 cents for every local dollar spent. Currently, State funding is at an all-time low of approximately 4.6 cents for every local dollar spent. Demand for library services continues to grow and all 67 counties now have at least one library in the State Aid program. During the current year, Palm Beach County Library System received \$1,445,619 and the municipalities received funds as follows: Boynton Beach \$87,461; Delray Beach \$74,319; Lake Park \$16,437; Lake Worth \$38,353; Lantana \$8,763; Palm Springs \$27,038; West Palm Beach \$137,967; for total funds to PBC of \$1.8 million.

Regional Multi-type Library Cooperatives

The Palm Beach County Library System is part of the regional multi-type library consortia known as Southeast Florida Library Information Network (SEFLIN) which connects both public and private libraries of all types to one another and allows us to serve the community more effectively through the joint use of technology, continuing education and training of library staff. State funding for the 6 library consortia has not increased since 1993/94. Currently these cooperatives are being funded in 2007 at \$400,000. Population growth and expanded services justifies funding to remain at the authorized level of \$400,000 each.

Public Library Construction Grant Program

During the 2006 Legislative Session, \$9.15 million was allocated for this program which funded grant requests at the statutory limit of \$500,000. This is the only governmental funding source other than local funds as federal construction has been discontinued. Only \$7.15 million was actually appropriated to applicants. PBC will have three construction projects (west Lantana, west Boca, West Atlantic Avenue) carried over to this session that were approved by the State Library for the two years but not funded in either the 2005 or 2006 Session.

FOR MORE INFORMATION:

Contact: John J. Callahan III, Director, Library Department 561/233-2799

Legislative Support Issues - 2007

Video Franchising

BACKGROUND: In 2006, the County joined the effort in opposition to proposed legislation which, among other things, allowed for a statewide video franchising model, thus giving the State the authority to issue franchises for video programming services such as cable. This franchising function-along with other issues such as the resolution of consumer complaints related to these services has been handled by counties and cities for nearly forty years with little or no problems. The 2006 bill also contained a number of other changes with regard to issues such as funding for our government channel and requirements for "in kind" services, such as the free cable service currently provided to all public buildings. The 2006 bill died on the Senate floor. With the likelihood of no action on this issue coming from the federal level which called for a national franchise, it is likely that some version of this bill will come back during the 2007 State legislative session.

An alliance including the Florida Association of Counties, Florida League of Cities, the Florida Association of Telecommunications Officers and Advisors and others was established in the last session in opposition of this legislation.

PURPOSE: Oppose legislation for a statewide video franchising model and to protect the County's authority to require franchises for the provision of video services, and also to protect the County's authority to provide communication services.

BENEFIT: Continue the local franchising process that satisfies the cable-related needs of the community, including educational and government access channels, financial support for programming on the access channels, capability to insert programming on the access channels from the government and school facilities, the ability to inform residents of emergencies and disasters, and other services that support important educational and public interests.

FOR MORE INFORMATION:

Contact: Beth Ingold-Love, Director, Public Affairs 561/355-3808

Legislative Support Issues – 2007

Parks and Recreation Issues

BACKGROUND:

Florida Recreational Development Assistance Program: The Parks and Recreation Department will request the maximum amount allowed \$400,000. This funding provides for acquisition or development of land for public outdoor recreation use or to renovate recreational trails.

Child Care Licensing Requirements: Amend Section 402.302(2), Florida Statutes to exempt Parks and Recreation After-School Programs from child care licensing requirements. Currently, public schools, private schools, summer camps, day camps, bible schools and national organizations such as the YMCA and Boy's and Girl's Clubs are exempt from child care licensing requirements. Public park and recreation services should also be exempted.

Sovereign Immunity: Amend Section 768.28, Florida Statutes, to provide greater immunity for public property use for recreational purposes. This change in legislation states that individuals who engage in recreational activities on public property assume the risk and expense of injury unless the injury was the result of gross negligence on the part of the local government owner. This proposed legislation would discourage the filing of frivolous claims and law suits against the County without deterring legitimate claims. The general public would benefit because tax monies would not have to be used for trivial claims.

FOR MORE INFORMATION:

Contact: Dennis Eshleman, Director, Parks and Recreation Department 561/966-6614

Legislative Support Issues - 2007

County Maintenance Division Employees as Contractors

BACKGROUND: Amend the wording of Florida Statute 489.103(3) to recognize County Maintenance Divisions as contractors on projects up to \$200,000 in scope. In essence, it will allow County employees to perform construction work within their licensed trade on County owned property in a manner equal to outside vendors performing the same work.

PURPOSE: To amend F.S. 489.103 to enable County employees to proceed and process work in County owned facilities in all municipalities with the recognized contractor certification numbers enabling the Maintenance Division to apply for permits in any municipality where there is a County owned property.

BENEFITS: This would provide the County the ability to perform maintenance, repairs, replacements and upgrades to systems in compliance with current code or safety requirements which do not affect capacity, engineering, significantly modify systems or affect the integrity of structural components.

FOR MORE INFORMATION:

Contact: Audrey Wolf, Director, Facilities Development and Operations 561/233-0204

Legislative Support Issues - 2007

Scanner Law

BACKGROUND: During the 2006 legislative session, there was a change to the “Scanner Law” that affects all users of the County’s radio system whenever they are using their personal or non-emergency vehicles. This law in effect prohibits employees to transport and use their county-owned radio inside a non-emergency county vehicle or their personal vehicle (if that is what they drive to work) if those radios are capable of monitoring law-enforcement or fire radio transmissions.

PURPOSE: To amend F.S. 843.16 to include allowing “employees of a local or state governmental agency” to carry radios with access to law enforcement signals within their County assigned work vehicles.

BENEFIT: All County radios are capable of monitoring law-enforcement or fire radio transmissions. Amending the Statute to include governmental agencies would clarify this issue.

FOR MORE INFORMATION:

Contact: Audrey Wolf, Director, Facilities Development and Operations 561/233-0204

Legislative Support Issues - 2007

Definition of a Farm/Dumping of Manure

BACKGROUND: The definition of farm and farm product in Florida Statute 823.14(3) has been interpreted so broadly that it includes uses that are not appropriately exempt from a building permit requirement. The exemption of a building permit has been incorrectly tied to the Right To Farm Act which has two separate and distinct purposes. A recent opinion from the Florida Agriculture Commissioner has reinforced these broad interpretations. Changes to the statutes should narrow the definition of farm and farm product, not from Right To Farm requirements, but from building permit exemptions such that only a legitimate farm or agricultural purpose is truly getting the exemption.

In addition, Florida Statute should be clarified to identify when manure can be used for a beneficial purpose as an accessory to agriculture.

PURPOSE: To amend the Florida Statutes to clarify that those buildings that are not serving a true farming purpose are exempted from building permit requirements. To ensure when manure is dumped on property, that it does not harm adjacent properties, with the pretense that is being used for "farming".

BENEFIT: To protect the public interest by ensuring that all buildings constructed meet code requirements.

FOR MORE INFORMATION:

Contact: Barbara Alterman, Director, Planning, Zoning & Building 561/233-5008
Bob Banks, Assistant County Attorney 561/355-2588

Legislative Support Issues - 2007

Retinoblastoma

BACKGROUND: Retinoblastoma is a disease that causes the growth of malignant tumors in the retinal cell layer the eye and effects 1 in every 12,000 children. Most cases occur in the first two years of life which is why it is important for screening of this disease to take place between birth and 5 years of age. Worldwide over 7,000 children die each year due to lack of early detection. Only the State of California has passed legislation that requires eye pathology screening of newborns and infants. In infancy, eye dilation is needed in order for an omthamoscope to detect 100% of the tumors. This 10 second exam will also detect other ocular diseases that affect newborns, infants and toddlers such as congenital cataracts.

The Palm Beach County Board of County Commissioners issued a proclamation declaring December 2005 as "Joey Bergsma Retinoblastoma Awareness Month" in Palm Beach County to raise the awareness of this disease. In addition, the Board passed a resolution urging the legislature to require exams for early detection of Retinoblastoma.

PURPOSE: To urge the Florida Legislature to adopt legislation providing for eye pathology screening for newborns and infants.

BENEFIT: Early screening in infants will have the potential to save hundreds of newborn's vision and lives and could save the health insurance industry millions of dollars annually.

FOR MORE INFORMATION:

Contact: Todd Bonlarron, Director, Legislative Affairs 561/355-3451

ATTACHMENT 2

1 A bill to be entitled

2 An act relating to the Town of Loxahatchee Groves, Palm
3 Beach County; amending Section 1, Chapter 2006-328,
4 Laws of Florida; revising the legal description for the Town
5 of Loxahatchee Groves; revising Section 10, Chapter 2006-
6 328, Laws of Florida; revising the applicability of Palm
7 Beach County ordinances within the Town of Loxahatchee
8 Groves; providing an effective date.

9 Be it enacted by the Legislature of the State of Florida:

10 Section 1. Section 1 of Chapter 2006-328, Laws of Florida is amended to read.

11 (3)(a) CORPORATE BOUNDARIES.—

12 The corporate boundaries of the Town of Loxahatchee Groves shall be as described as
13 follows:

14 That portion of Loxahatchee Sub-Drainage District, Township 43 South, Range 41 East
15 and Range 40 East, Palm Beach County, Florida, being more particularly described as
16 follows:

17 Beginning at the Northwest corner of Section Eighteen (18) in Township Forty-three (43)
18 South, Range Forty-one (41) East, Palm Beach County, Florida, and run thence along the
19 North line of Section Eighteen (18) and Seventeen (17) of said Township to the Northeast
20 corner of Section Seventeen (17) in said Township and Range; thence run South along
21 the Eastern boundary of Section Seventeen (17) to the Southeast corner of said Section;
22 Thence run East along the Northern boundary of Section Twenty-one (21) and of Section
23 Twenty-two (22) to the Northeast corner of the Northwest quarter of the said Section

1 Twenty-two (22); Thence run South along the East line of the Northwest quarter of said
2 Section Twenty-two (22) to the Southeast corner of said Northwest quarter of said
3 Section; Thence run West along the South line of the Southeast quarter of Northwest
4 quarter of said Section Twenty-two (22) to the Southwest corner of said Southeast quarter
5 of Northwest quarter of said Section; Thence run South along the East line of the West
6 half of the Southwest quarter of Section Twenty-two (22) and of the West half of West
7 half of Section Twenty-seven (27) and of the West half of West half of Section Thirty-
8 four (34) to the North Right of Way line of State Road 80, in Section Thirty-four (34);
9 Thence West along the Northern edge of the North Right of Way line of State Road 80,
10 across the West half of West half of Section Thirty-four (34) and across Section Thirty-
11 three (33), Thirty-two (32), and Thirty-one (31) in said Township to the point where the
12 range line dividing ranges Forty (40) and Forty-one (41) East intersects said North Right
13 of Way line of State Road 80;

14 Thence North along the West line of Sections Thirty-one (31), Thirty (30), Nineteen (19)
15 and Eighteen (18) to the Point of Beginning, embracing approximately Six Thousand
16 Nine Hundred Thirty five and 56/100 (6,935.56) acres.

17 Said lands lying within the above described boundary lines are described more
18 particularly as follow, to wit:

19 All of Section Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), and Twenty-
20 one (21) and the Northwest quarter and West half of Southwest quarter of Section
21 Twenty-two (22); and West half of West half of Section Twenty-seven (27); and all
22 Section Twenty-eight (28), Twenty-nine (29) and Thirty (30) and all of Section Thirty-
23 one (31) North of North Right of Way line of State Road 80; and all of Section Thirty-

1 three (32) North of North Right of Way line of State Road 80; and all of Section Thirty-
2 three (33) North of North Right of Way line of State Road 80; and all of the West half of
3 West half of Section Thirty-four (34) North of North Right of Way line of State Road 80;
4 all in Township Forty-three (43) South Range Forty-one (41) East, all of said lands being
5 situate in Palm Beach County, State of Florida, according to the United States official
6 surveys of said lands.

7 TOGETHER WITH

8 The South 1/2 of Sections 7 and 8, T43S, R41E.

9 The South 1/2 of the East 1/4 of Section 12, The East 1/4 of Sections 13, 24, 25, T43S,
10 R40E, and that part of the East 1/4 of Section 36, T43S, R40E, lying North of the North
11 Right of Way of S.R. 80, all in Palm Beach County, Florida, containing 1320 acres, more
12 or less.

13 LESS AND EXCEPT The All or Nothing Legislation Parcel as described in Senate Bill
14 No. 2616, Laws of Florida, Chapter 99-425, formerly known as The Palms West Hospital
15 property

16 A parcel bounded by Southern Boulevard (S.R. 80) on the South, the Southern boundary
17 of the drainage/road Right of Way known as collecting canal on the North,
18 Folsom/Crestwood of the East, and the Western boundary of The All or Nothing
19 Legislation Parcel as described in Senate Bill No. 2616, Laws of Florida, Chapter 99-425
20 on the west, said parcel being more particularly described as follows:

21 A parcel of land located in the County of Palm Beach, State of Florida, to wit:

22 The point of beginning being the intersection of the Easterly line of Lot 4, Block K,
23 Loxahatchee District, according to the plat thereof on file in the Office of the Clerk of the

1 Circuit Court recorded in Plat Book 7, Page 81, of the Public Records of Palm Beach
2 County, Florida, and the Southerly boundary of the "Collecting Canal" as shown on the
3 Replat of Loxahatchee Groves Subdivision according to the Plat thereof, recorded in Plat
4 Book 12, Page 29, of the Public Records of Palm Beach County, Florida; Thence Easterly
5 along said Southerly boundary of the "Collecting Canal" to the Easterly boundary of said
6 Replat of Loxahatchee Groves; Thence South along said Easterly boundary line of the
7 Replat of Loxahatchee Groves to the North Right of Way line of State Road 80; Thence
8 Westerly along said Northerly Right of Way line of State Road 80 to the Easterly line of
9 Lot 4, Block K, Loxahatchee District;

10 Thence Northerly along said Easterly line of Lot 4 to the Point of Beginning, and also
11 less

12 A portion of Lot 4, Block "K," Loxahatchee District subdivision, according to the map or
13 plat thereof as recorded in Plat Book 7, page 81, public records, Palm Beach County,
14 Florida, being more particularly described as follows:

15 Commencing at the northeast corner of said lot 4; thence, south $02^{\circ}16'42''$ west, along the
16 east line of said lot 4, a distance of 834.00 feet for a point of beginning.

17 Thence, continue south $02^{\circ}16'42''$ west along said east line, a distance of 1221.92 feet,
18 more or less, to the intersection thereof with the north right-of-way line of State Road No.
19 80 as recorded in official records book 12372, page 468, said public records; thence,
20 north $88^{\circ}08'61''$ west, departing said east line and along said north right-of-way line, a
21 distance of 260.20 feet; thence, north $02^{\circ}16'46''$ east, departing said right-of-way line, a
22 distance of 80.00 feet; thence, north $88^{\circ}08'51''$ west, a distance of 248.59 feet; thence,
23 north $02^{\circ}16'46''$ east, a distance of 321.11; thence, north $88^{\circ}08'51''$ west, a distance of

1 275.01 feet, more or less, to the intersection thereof with the west line of said lot 4;
2 thence, north 02°16'46" east, along said west line, a distance of 806.33 feet; thence, south
3 89°12'21" east, departing said west line and along the south line of the north 834.00 feet
4 of said lot 4, as measured along the east and west lines of said lot 4, a distance of 784.02
5 feet to the point of beginning.

6 Containing: 18.867 acres, more or less.

7 * * *

8 Section 2. Section 10 of Chapter 2006-328, Laws of Florida is amended to read.

9 Section 10. Transition Schedule.

10 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--All applicable county
11 ordinances currently in place at the time of passage of the referendum, unless specifically
12 referenced herein, shall remain in place until and unless rescinded by action of the town
13 council except as otherwise provided by the Palm Beach County Charter, as may be
14 amended from time to time. Variances shall not be granted to any existing Palm Beach
15 County ordinances, rules, or regulations in existence as of October 12, 2006, insofar as
16 such action would affect the town without the approval of the town council, except as
17 authorized by the Palm Beach County Charter.

18 Section 2. This act shall take effect upon becoming law.