

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date: December 4, 2007	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Regular
	<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Public Hearing

Department:

Submitted By: Legislative Affairs

Submitted For: Administration

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I. EXECUTIVE BRIEF

Motion and Title: Staff requests Board direction on draft FY08 State Legislative Program.

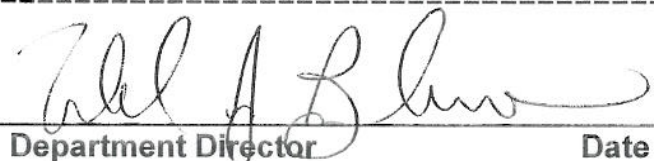
Summary: Staff requests the Board's review of the draft FY08 State Legislative Program, which includes issues that have been submitted by Board members and County staff, and identification of legislative and appropriation priorities. The Legislative Program outlines the issues that the County's Legislative Affairs Department in conjunction with the County's lobbying team will be working on for the Board in the upcoming Legislative Session. Countywide (DSW)

Background and Justification: Each year, the Board of County Commissioners adopts a program of legislative and appropriation priorities for the upcoming Legislative Session. The legislative program will be reviewed at a meeting with the Legislative Delegation on December 19, 2007. 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 FY08 State Legislative Session begins March 4, 2008

Attachments:

- 1. Draft FY08 State Legislative Program

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Recommended by:		Date
	Department Director	11/24/07

Approved By:		Date
	Assistant County Administrator	11/24/07

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included In Current Budget? Yes _____ No _____					
Budget Account No.: Fund _____ Department _____ Unit _____					
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:

There is no fiscal impact associated with this agenda item.

John Dal 11.29.07
OFMB
LUD 11/29/07
11-29-07 C# 11/29/07

Contract Dev. and Control

B. Legal Sufficiency:

[Signature] 12/3/07
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 9/03

ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

**Palm Beach County
Board of County Commissioners
FY 2008 PROPOSED STATE LEGISLATIVE PROGRAM**

Palm Beach County's Top Priorities for the 2008 Legislative Session

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

Appropriations Priorities

- | | | |
|-----|--|---------------|
| 4. | Lake Worth Lagoon Partnership Grant Program (<i>Water & Environment</i>) | \$ 5,250,000 |
| 5. | Beach & Inlet Management Project Appropriations (<i>Water & Environment</i>) | \$ 7,298,793 |
| 6. | Chain of Lakes Restoration (<i>Water & Environment</i>) | \$ 1,500,000 |
| 7. | SR 710, SR 7 and Congress Avenue (<i>Transportation</i>) | \$ 19,000,000 |
| 8. | DMV Facility Service/Mounts Botanical Garden (<i>Transportation</i>) | \$ 1,900,000 |
| 9. | Juvenile Assessment Center (<i>Public Safety</i>) | \$ 400,000 |
| 10. | Glades Region Agricultural Program | \$ 350,000 |

Legislative Priorities

- | | | |
|-----|--|--|
| 11. | Traffic Safety Photo Enforcement (<i>Public Safety</i>) | |
| 12. | Growth Management and Infrastructure | |
| 13. | Strategic Intermodal System Funding | |
| 14. | Insurance Coverage for Autism | |
| 15. | Article V (<i>Public Safety</i>) | |
| 16. | Invasive Plant Species | |
| 17. | Transportation Disadvantaged Programs/ F.S. Chpt. 427 and Medicaid Non-Emergency Transportation Funding (<i>Health Care</i>) | |
| 18. | South Florida Regional Transportation Authority | |
| 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/ Gas Tax Funding for Boating Improvement (<i>Local Control</i>) | |
| 23. | Public Marina/Working Waterfront/Affordable Housing Property Tax Differential | |
| 24. | Governmental Indemnification | |
| 25. | Planning Zoning & Building Issues /Civil Citations | |
| 26. | Airport Issues | |

Appropriation Support Issues

27.	Loxahatchee River Initiative (<i>Water & Environment</i>)	\$ 3,320,000
28.	Lake Okeechobee Scenic Trail (<i>Water & Environment</i>)	\$ 1,610,000
29.	Florida Forever and Everglades Restoration (<i>Water & Environment</i>)	
30.	Lake Worth Park of Commerce	\$ 500,000
31.	West Nile Prevention/Mosquito Control	

Legislative Support Issues

32.	Water Reservations (<i>Water & Environment</i>)	
33.	Total Maximum Daily Load Program (<i>Water & Environment</i>)	
34.	Water Conservation and Mandatory Rate Structures for Public Utilities (<i>Water & Environment</i>)	
35.	Stem Cell Research	
36.	Hurricane Relief Issues	
37.	Firework Safety Local Ordinances (<i>Public Safety</i>)	
38.	Enterprise Zone Boundaries	
39.	Deadly Force Definition/ Use of Dart Firing Stun Guns (<i>Public Safety</i>)	
40.	Animal Care & Control (<i>Public Safety</i>)	
41.	State Library Funding (<i>Workforce & Education</i>)	
42.	Scanner Law	
43.	Definition of a Farm/Dumping of Manure (<i>Agriculture</i>)	
44.	Retinoblastoma (<i>Health Care</i>)	

Palm Beach County's Top Priorities - 2008 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 received \$1.5 million in 2007 and \$4.0 million in 2006, bringing the total funds received from State appropriation to \$5.7 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), federal funding support (\$0.8 million) and federal funding authorization (\$7.5 million). Approximately \$17.6 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 Priorities - 2008 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 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. In 2007, counties were mandated to provide elections funding for the replacement of touchscreen voting machines, as well as, funding to provide space for new conflict counsel offices. 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.

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

Palm Beach County's Top Priorities – 2008 Legislative Session

Fiscally Constrained Counties/Property Tax Reform Cost Shifts

BACKGROUND: 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 original funding source in the legislation was general revenue dollars; however, that source was changed during the last weeks of session. This change in revenue source has unfairly shifted money away from many of the most constrained cities in the State, in particular, the cities of Belle Glade, South Bay and Pahokee in Palm Beach County and diverted them to other counties in the state. Ironically, many of the fiscally constrained counties that benefit from this new funding are in far better financial shape than those above mentioned municipalities.

During the 2007 Special Session D, the legislature passed a property tax reform bill that provided protections to the fiscally constrained counties from potential losses in revenue caused by the passage of the constitutional amendment on property taxes. It is the County's position to support appropriations that preserve the financial capacity of fiscally constrained counties in a manner that does not replace or reduce existing programs and revenues for small rural counties and that does not divert funds from other counties or cities. It is important for the legislature to develop a dedicated revenue source for these counties. In doing so, it is suggested that the legislature consider but not limit those potential funding sources for fiscally constrained counties to recurring general revenue, documentary stamp revenues, and Department of Agriculture Trust Funds.

PURPOSE: To maintain fiscally constrained funding programs and commitments by funding it from a revenue source that does not divert funds from other cities and counties and restoring the diverted telecommunications revenue to the affected counties.

BENEFIT: Cities and Counties hope to reverse the communications cost shift from 2006 by substituting the current funding source with general revenue dollars in an effort to restore lost revenues and to ensure that future funding is not diverted from these governmental entities.

FOR MORE INFORMATION:

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

Appropriations Priorities – 2008

Lake Worth Lagoon Partnership Grant Program

\$5,250,000

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 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 \$15.8 million in State funds and \$37.2 million in local funds have been dedicated to restoring the Lagoon. Forty-three projects to date have been completed that included stormwater drainage improvements, habitat restoration and enhancement, marina sewage pumpout facility, artificial reef construction, and monitoring. In 2007, a \$3.5 million State appropriation was received for this project.

PURPOSE: Obtain funding of \$5.25 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 – 2008

Beach and Inlet Management Project Appropriations **\$7,298,793**

BACKGROUND: Florida's beaches are the #1 tourist attraction in the state. Their importance to the tourism industry make 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 (\$25 million in FY 2008) in certain documentary stamp tax revenues to the Ecosystem management and Restoration Trust Fund for the purposes of beach preservation and repair. The County is requesting inclusion of the following Palm Beach County shore protection projects in the State's Fiscal Year 2008/09 Beach Erosion Control Program.

Project	Federal	State	County	City	Total
Jupiter/Carlin Shore Protection Project	\$243,000	\$203,500	\$203,500	\$0	\$650,000
Juno Beach Shore Protection Project	\$0	\$75,000	\$75,000	\$0	\$150,000
Singer Island Shore Protection Project	\$0	\$5,867,200	\$9,332,800	\$0	\$15,200,000
South Palm Beach Shore Protection	\$0	\$362,500	\$217,500	\$145,000	\$214,500
South Lake Worth Inlet Management	\$0	\$681,000	\$681,000	\$0	\$1,362,000
Ocean Ridge Shore Protection Project	\$72,875	\$28,875	\$28,875	\$0	\$125,000
Countywide Monitoring	\$48,504	\$80,718	\$85,278	\$0	\$214,500
Total Request:	\$364,379	\$7,298,793	\$10,623,953	\$145,000	\$17,916,000

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 -2008

Chain of Lakes Restoration

\$1,500,000

BACKGROUND: The Chain of Lakes, in Palm Beach County, covers 30 miles from West Palm Beach to Delray Beach, and consists of five lakes: Pine, Clarke, Osborne, Eden and Ida. A Chain of Lakes Management Plan was approved by the Palm Beach County Board of County Commissioners to provide fish and wildlife habitat along the lake shorelines, improve water quality, reduce stormwater discharges, and promote public outreach and education. Projects completed under this Plan, and with State appropriations, include creation of over one mile of shoreline habitat, restoration of over 10 acres of high quality wetlands, and dredging 130,000 cubic yards of muck sediments. Since Fall 2007, another significant wetland restoration project has been under construction within Lake Osborne. Utilizing state and local funds, the project will create/restore over 100 acres of shoreline and hardwood wetlands. Muck sediments will be removed to provide substrate for submerged native plants that will provide fisheries habitat and improve water quality.

During the 2007 legislative session, \$750,000 was appropriated for the Chain of Lakes restoration projects. State funds will be utilized for construction of 3 new projects to provide wetland restoration, shoreline enhancements, muck removal, and stormwater management improvements.

PURPOSE: Obtain funding of \$1.5 million to implement stormwater and restoration projects identified in the Chain of Lakes Management Plan.

BENEFIT: Habitat restoration and water quality projects will provide fisheries and wildlife habitat, enhance recreational opportunities and increase necessary stormwater and septic retrofits.

FOR MORE INFORMATION:

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

Appropriations Priorities -2008

Transportation Funding SR 710, SR 7 and Congress Avenue (SR 807)
\$19,000,000

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.

Congress Avenue (SR 807) from Lantana Road to Melaleuca Lane - \$10,000,000

Palm Beach County previously agreed in principle to assume the responsibility of constructing this state road in an effort to expedite the schedule. The County also agreed to assume responsibility for the road after the construction was completed. The project was initially thought to cost between \$6-\$8 million, and the FDOT and MPO several years ago showed this money as part of the 2008 work program. It was estimated that no right of way or mitigation would be required. Subsequently, with the County doing the design, it was determined that right of way would need to be acquired, and mitigation would also be needed. With the associated construction cost increases because of the current environment, it is estimated that the entire project will now cost \$18-\$20 million. This additional money is not currently in the MPO/FDOT work program, but the County will be requesting it be added at the December meeting. This link is currently overcapacity and includes the frontage of one of our major hospitals – JFK.

FOR MORE INFORMATION:

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

Appropriations Priorities -2008

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

Appropriation Priorities – 2008

Juvenile Assessment Center (JAC)

\$400,000

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 for juveniles upon initial entry into the Justice System for more effective case planning. Additionally, support the Department of Juvenile Justice's \$25.3 million Capital Improvement Plan request for the design and building of a new complex that would house both the new Juvenile Assessment Center and Juvenile Detention Center. The initial \$400,000 request is for the planning stage of the Capital Improvement Plan.

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: Michael Rodriguez, Director, Criminal Justice Commission, 561/355-2314

Appropriations Priorities -2008

Glades Region Agricultural Program **\$350,000**

BACKGROUND:

The Economic Development Office is seeking \$350,000 to develop an agricultural business training program for small growers located in the economically depressed Glades region. Program participants will learn to use several hydroponic systems to grow alternative and specialty crops, then effectively package, market and distribute the resulting produce. This program will consist of estimated eight-week sessions during a three-year period, various instructors will familiarize an estimated 100 students with the entire process from seedling to harvest, environmental and consumer issues, customer service/hospitality training, and business planning, including formation of a grower cooperative, financing, site/equipment selection and development, packaging, marketing and distribution. Anticipated markets include hospitals, nursing homes, hotels, caterers and restaurants, large employers such as the School District, existing Greenmarkets, and a pending year-round Public Market. The goal is to stimulate development or expansion of 15 small agricultural businesses within the three-year project timeframe. Recruitment of students and instructors and site selection will involve collaboration with growers' organizations as well as the School District of PBC, the University of Florida, and other interested educational institutions that offer agricultural instruction.

Funds obtained from the state will assist in instructors' fees, classroom space rental, design fees based on the selected site, and capital costs of purchasing/ installing structures and equipment such as shade houses, mist houses, site development including utilities/infrastructure and parking, pedestrian paths, landscaping, fencing, lighting and other security measures. Marketing and sales of produce will support the project's continued operation. Because the site selected will be located in the Glades area, it will also be designed to serve as a potential destination for visitors to the Lake Okeechobee Scenic Trail and to further ongoing community revitalization efforts.

PURPOSE: To support and expand revitalization efforts in the economically depressed Glades region with an agricultural program for small and ethnic growers.

BENEFIT: Support of local agriculture programs and stimulation of economic development in the Glades Region.

FOR MORE INFORMATION:

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

Legislative Priorities - 2008

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 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 2005, 2006 and 2007 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 -2008

Growth Management and Infrastructure

BACKGROUND:

Florida's growth management laws were recently amended in an effort to continue to plan for the future growth and sustainability of our state, Palm Beach County supports legislation that would require the state of Florida to develop a 20-year vision for the future of Florida, with implementing policies and strategies, that ensures our infrastructure needs can be met, our natural resources protected and quality of life enhanced.

As urban communities continue to grow, the legislature should provide tools that promote infill and discourage sprawl. Palm Beach County supports limited changes to the F.S. Ch. 163 that creates local option incentives for counties to designate "Urban Preference Areas." The range of incentives available to local governments that designate these areas should include but not be limited to the following:

- Increased transportation funding with emphasis on multi-modal funding options;
- Priority access to other state funding such as stormwater management, brownfields remediation, affordable housing, and urban schools;
- Alternative options for applying transportation concurrency in these areas;
- Expedited state/regional permit review for certain types of redevelopment projects.

PURPOSE: To create an opportunity for local governments and the private sector to create a vision for development over the next 20 years and provide creative tools that incentivize urban redevelopment.

BENEFIT: Additional access and flexibility to planning and funding tools will allow local governments and the private sector to better plan for future growth.

FOR MORE INFORMATION:

Barbara Alterman, Executive Director, Planning Zoning & Building

Legislative Priorities -2008

Strategic Intermodal System Funding

BACKGROUND: Florida's Strategic Intermodal System (SIS) was established in 2003 to enhance Florida's economic competitiveness by focusing limited state resources on those transportation facilities that are critical to Florida's economy and quality of life. The SIS is a statewide network of high-priority transportation facilities, including airports, seaports, freight and passenger rail, buses and highways that are key elements to the state's economy responding to trends including population, economic growth, stimulation of rural areas, growth management and the environment. Funding for SIS is generated from gas tax revenues.

While Palm Beach County realizes that SIS funds are used on a statewide basis, the allocations to South Florida do not meet the needs of urbanized Southeast Florida. The SIS funding process allocated by the Florida Department of Transportation was done as a policy without Legislative direction and is not based on population, lane miles or gas taxes collected as in other funding formulas which would provide for a more equitable allocation of funds.

PURPOSE: To provide a formula for distribution of SIS funds through the Legislature based on gas tax revenues collected.

BENEFIT: To more adequately meet the needs of Southeast Florida by recouping a proportionate allocation of gas tax revenues collected.

FOR MORE INFORMATION:

Contact: Randy Whitfield, Director, MPO, 561/684-4170

Legislative Priorities -2008

Insurance Coverage for Autism

BACKGROUND:

Autism is a brain development disorder that impairs social interaction and communication, and causes restricted and repetitive behavior, all starting before a child is three years old. Studies show that with proper early medical intervention, almost 50% of autistic children improve to such an extent that they can enter mainstream classrooms unassisted after only a few years of treatment. Therapy in young children diagnosed with autism can result in a much higher learning potential and ultimately a productive taxpaying citizen.

Most states do not require private insurance companies to cover even essential autism treatments and services. In the absence of coverage, families often pay as much as they can out of pocket for services that can cost upwards of \$20,000 to \$50,000 per year.

Because services for autism are covered by Medicaid and the Department of Children and Families, services are only accessible to those who declare bankruptcy or are indigent. Requiring insurance companies to provide medical coverage for persons who are diagnosed with autism at an early age will provide a greater opportunity for early treatment. This will remove the unfair burden on families who pay insurance premiums, yet are not being provided the opportunity for coverage. In addition, the State will benefit from such coverage since the demand for Department services will be supplemented by greater opportunities for private assistance through insurance policies.

PURPOSE: To provide fair and equitable access to insurance coverage for children diagnosed with autism at an early age.

BENEFIT: To provide children with autism early treatment intervention leading to a better quality of life.

FOR MORE INFORMATION:

Contact: Todd Bonlarron, Director, Legislative Affairs, 561/355-3452

Legislative Priorities -2008

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 2008 Legislative session. More specifically there has been a 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. During the 2007 session, the Legislature passed SB 1088 which requires the County to provide office space, equipment, computers and security for criminal conflict counsels without the creation of a new revenue source to fund these expenditures.

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 responsibility of state funding for 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 -2008

Invasive Plant Species

In the 2002 session, State Statute 581.091(4) was created in order to limit a local government's ability to regulate invasive plant species to only those plants that are already regulated by the Florida Department of Agriculture and Consumer Services (FDACS). Palm Beach County was able to provide additional language that added the following to the Statute: a) grandfathered in existing local government invasive plant regulations b) required FDACS to conduct a biennial review of its invasive plant list c) added the plants listed in State Statute 369.251 to the FDACS list and d) exempted local government regulations over public and private preserves.

Addition of FDEP Prohibited Aquatic Plants to F.S. 581.091(4)

A 2002, amendment to F.S. 581.091(4) limited a local government to the use of the FDACS lists of noxious weeds and invasive plants when developing local invasive plant regulatory lists. Under this 2002 amendment, the plants listed in F.S. 369.251, and regulated by Florida Department of Environmental Protection (FDEP), were incorporated into the FDACS lists; however the list currently includes only melaleuca, two Australian pine species, Brazilian pepper and Mimosa pigra. FDEP Class I and II Prohibited Aquatic Plants (FS 369.25(3)(b) and Chapter 62C-52.011) are not included. While the rule change does not restrict DEP's ability to regulate their lists, local agencies cannot regulate any DEP Class I or II Prohibited Aquatic Plants not on the FDACS list unless those species were on a local list prior to this amendment.

Purpose: Update F.S. 581.091(4) to include FDEP's Prohibited Aquatic Plants as authorized under FS 369.25(3)(b) and listed in Chapter 62C-52.011.

Addition of FDEP to FDACS Noxious Weed and Invasive Plant Review Committee

A 2002 amendment to F.S. 581.091(4) required that FDACS, in conjunction with University of Florida Institute of Food & Agricultural Sciences (IFAS), review the invasive plant list at least every two years. However, a member of the Florida Department of Environmental Protection Bureau of Invasive Plant Management should also be included on the committee that determines the state noxious weeds and invasive plants under F.S. 581.091(4). In addition, this would help resolve an issue whereby FDACS and FWC have approval authority over DEP list of noxious aquatic weeds (F.S. 369.25(3)(b)). There is potential conflict because these agencies serve different purposes, which means that some of the aquatic plants that DEP would argue should be listed because of the threat to the environment may have agricultural or recreational use that other agencies wish to protect. An example of this is absence of torpedograss on any state list. DEP petitioned to list torpedograss as a prohibited aquatic plant but FDACS has not wanted to cause potential economic burden to sod farmers, since torpedograss is sometimes a contaminant in sod. As a result, torpedograss is not regulated and may potentially be sold in Florida. **Purpose:** Update F.S. 581.091(4) to include member of the Florida Department of Environmental Protection Bureau of Invasive Plant Management to FDACS Noxious Weed and Invasive Plant Review Committee.

FOR MORE INFORMATION:

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

Legislative Priorities - 2008

Transportation Disadvantaged Programs

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

BACKGROUND: In 2007, the State of Florida will provide Palm Beach County with \$2,044,474 in funding to support the non-sponsored Transportation Disadvantaged (TD) services. TD funding is an important funding source for Palm Tran, enabling Palm Beach County to provide the most economically challenged customers with free or discounted rides on both our fixed route and CONNECTION services. To maintain the level of services and accommodate the needs of residents, Palm Beach County has annually supported the TD program efforts with additional funding (last year-\$2,868,684).

Palm Beach County supports attempts to increase and or maintain funding to the TD program and to prevent raids on this funding for other purposes. We understand there will be an upcoming bill that is intended to maintain the current level of TD Trust Fund dollars for all counties and motivate decision makers to increase future funding to help sustain this ever growing program and discourage the use of TD funds for Medicaid transportation or other purposes. Reductions in this funding to Palm Beach and other counties would result in serious economic issues for our residents and further impact other budget requirements.

PURPOSE: Support legislation that increases TD Trust Fund dollars and protects TD funds from being used for other purposes.

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 – 2008

South Florida Regional Transportation Authority

BACKGROUND:

Fifty Percent of the operating funding for the South FL Regional Transportation Authority (SFRTA) is provided by the Florida Department of Transportation (FDOT) with the remaining 50% shared equally among three participating Counties (Broward, Miami-Dade and Palm Beach County). Palm Beach County is statutorily required to contribute annually not less than \$1,565,000 to SFRTA's operating budget. Further, the three counties annually support SFRTA's net operating cost deficit. Palm Beach County's share of the excess is \$2,801,950 for a total net operating cost support for SFRTA as part of the FY08 budget of \$4,366,950.

Staff recommends supporting legislation that would provide a dedicated funding source for the SFRTA operations. Two years ago a source was identified but vetoed by the Governor. If a source can be identified and approved, the County would save \$4-5 million annually.

PURPOSE: To support a dedicated funding source for SFRTA operations to offset increased costs for the improvement and promotion of public transit.

BENEFIT: To continue to improve and support a regional transportation system that will improve the quality of life for the residents of South Florida.

FOR MORE INFORMATION:

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

Legislative Priorities - 2008

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 2007 Legislative Session, HB 401 and SB 370 on HIV Inmate Testing passed through two Senate Committees and the House bill was work shopped; however, it was not heard on the floor of either chamber.

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 - 2008

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 \$39 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 Arnem, Assistant County Administrator 561/ 355-2740

Legislative Priorities - 2008

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.

During the 2007 session, HB 93 would have provided certification and training for wrecker operators and require at least two forms of payment including cash to be accepted but did not pass out of final committees. 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.

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 - 2008

Gas Tax Indexing/ Gas Tax Funding for Boating Improvements

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.

Additionally, a growing 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: Indexing or adjusting for inflation of the Local Gas Taxes, both locally and through the state will increase the counties' and cities' ability to provide funding for local transportation initiatives, and to support legislation that would increase the allocation of gas tax revenue available for boating improvements and waterfront access projects. Amending Florida Statute 328.72(15) after "public launching facilities" to read: "boating destination facilities, which includes docks, rest rooms, picnic tables and pavilions; public marinas and dockage; and boat ramps with related amenities, which includes docks, parking and rest rooms."

BENEFIT: Indexing will allow local governments to keep pace with required services while minimizing the effect of inflationary price increases. 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: Richard Roberts, Director, Office of Financial Management & Budget 561/355-2580
Rich Walesky, Director, Environmental Resources Management 561/233-2400

Legislative Priorities -- 2008

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. 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. 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. During the 2007D special session, a provision for working waterfronts including marinas was proposed that would have their assessments limited by allowing for appraisal based on income of the property rather than highest and best use, and a provision for affordable housing creating tax breaks would have limited assessments to reflect rents paid. These provisions were not included in the final bill.

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 - 2008

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 - 2008

Planning Zoning & Building Issues/Civil Citations

BACKGROUND:

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 or required inspections." 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.

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 - 2008

Airport Issues

BACKGROUND:

Gas Tax Waiver for Airport Shuttle Buses: Amend Florida Statutes Chapter 206 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.

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 -2008

Loxahatchee River Initiative
\$3,320,000

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 2006, \$3,722,550 was appropriated for the Initiative and an additional \$3,254,000 was received for Initiative projects in 2007.

PURPOSE: Obtain funding of \$3,320,000 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 - 2008

Lake Okeechobee Scenic Trail (LOST) Connections/Completion of Phase II
\$1,610,000

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.

Completion of Phase II Lake Okeechobee Scenic Trail (LOST) Connections will complete the the accessibility to the downtowns from the Lake Okeechobee Scenic Trail, attracting visitors into the downtowns. The project will enhance access to the gateways and trailheads (Phase I) located in the cities of Belle Glade, Pahokee, South Bay and unincorporated Canal Point which are scheduled for completion by September 2008. Coordination with the communities, the Lake Okeechobee Regional Economic Alliance of Palm Beach County, Inc., the EDGE Center, Inc., and Workforce Alliance will assist in attracting tourism-related businesses, jobs and private investments. This project falls under the Department of Environmental Protection Office of Greenways and trails.

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 help fuel economic revitalization in the region and provide exciting new recreational activities for Florida residents and tourists.

FOR MORE INFORMATION:

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

Appropriation Support Issues – 2008

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. In 2007, the Legislature appropriated \$300 million, funded by bonds, for the Florida Forever program, and also appropriated \$200 million cash and bonds for the Comprehensive Everglades Restoration Plan (CERP); the Lake Okeechobee Estuary Recovery Plan; and the Caloosahatchee River and St. Lucie River watersheds.

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 - 2008

Lake Worth Park of Commerce **\$500,000**

BACKGROUND:

According to a recent study conducted by IPARC, SE Florida has a severe shortage of industrial land and in particular, the shortage is most critical in the corridor east of the Florida Turnpike. The Lake Worth Park of Commerce is a 338-acre commerce park with immediate access to I-95 and is one of the only parks of its kind in Palm Beach County. The City of Lake Worth began the annexation of the park in 2004 at the request of Palm Beach County.

The park is very old; many buildings date back more than 40 years. The infrastructure is substandard: drainage is very poor and flooding is common, some roads are single-lane and few are maintained, some tenants have limited access to public water lines. Without those improvements, the park will not be successful and its potential to relieve the regional need for light industrial space will not be realized.

The sewer improvements are the more important priority. Utility construction inflation has raised the cost by about 30% since annexation began. The City is responsible for the backbone portion of the system. For sewer this would include several sections of gravity sanitary sewer, a wastewater pump station, and a force main to connect the existing force main system. This system would eliminate several private pump stations and provide service for new development. This would yield a construction cost estimate of about \$500,000 for City improvements. Development of construction drawings, obtaining permits, and constructing the project would likely take 12 to 18 months.

The City of Lake Worth is using every tool at its disposal to improve the LWPOC. In particular,

- the City has worked with Palm Beach County through the annexation process;
- cooperated with code enforcement to clean up derelict and substandard properties;
- master plans are being developed by the City and EDSA to correct inconsistent land use and zoning patterns;
- the City and Palm Beach County are still working cooperatively on unresolved road and drainage construction and maintenance plans.

The most pressing needs are for drainage and a lift station. These improvements meet the State's criteria for documented regional need and benefit, with measurable results and with tangible community support.

PURPOSE: To improve poor sewer and drainage conditions in the Commerce Park.

BENEFITS: Improvements to the park will provide attractive industrial zoned property in an area where that classification of land has been rapidly diminished leading to future economic development.

FOR MORE INFORMATION:

Contact: Richard Baldwin, City of Lake Worth, 561/586-1630

Appropriation Support Issues - 2008

West Nile Prevention/Mosquito Control

BACKGROUND: Historically, Florida has experienced epidemics of serious mosquito-borne disease including yellow fever, dengue, malaria, dog heart worm, eastern equine encephalitis and St. Louis encephalitis. These diseases remain a serious threat to State residents. Our climate, population density and proximity to the Caribbean also make us susceptible to an invasion by emerging diseases. The recent movement of West Nile Virus into Florida is evidence of this susceptibility. In addition, concern about the potential resurgence of Malaria in the State has grown with the infection of seven locally transmitted cases in Palm Beach County.

The control of mosquito-borne diseases involves increased aerial surveillance, aggressive insecticide treatment of vector mosquito populations and public education designed to stimulate personal protective behavior that reduces exposure to biting mosquitos. Mosquito-borne disease surveillance and control were once coordinated and financed by the State. In recent years, however, State involvement has declined significantly to a very minimal level. A dedicated, recurring funding source should be established to support State and local government mosquito control efforts designed to provide human health and safety from mosquito-borne diseases.

The hurricanes of 2004 and 2005 have greatly contributed to conditions that have increased the mosquito population and have increased the need for additional mosquito control in Florida.

In 2005, over \$4.2 million was appropriated for statewide mosquito control programs, and in 2006 an additional \$2,710,000 was appropriated.

PURPOSE: To support legislative policies that strengthen mosquito control efforts; establish a dedicated, recurring funding source for this purpose; and provide budget appropriations in amounts sufficient to support an efficient and effective statewide program.

BENEFIT: Public health protection, improvement to quality of life through reduction of mosquito annoyance and related economic benefits associated with growth and tourism.

FOR MORE INFORMATION:

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

Legislative Support Issues - 2008

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.

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 - 2008

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

Legislative Support Issues - 2008

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 -2008

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 aren't implanted and would otherwise be discarded or destroyed.

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 and 2007 legislative sessions, several bills and amendments were filed to address the issue of stem cell research. Although Governor Charlie Crist has voiced his support for stem cell research, there has been no funding allocated in the budget.

PURPOSE: To support 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 Support Issues - 2008

Hurricane Relief Issues

BACKGROUND: Emergency Management Preparedness and Assistance Trust Fund (EMPA):

The Emergency Management Preparedness and Assistance Trust Fund (EMPA) 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 emergency management. The EMPA is administered by the Florida Department of Community Affairs (DCA). Currently an annual surcharge of \$2.00 per resident and \$4.00 per commercial property insurance policy is imposed. It is important to note that the fees or types of policies this surcharge affects has not been modified since this trust fund's inception. FEPA is currently requesting legislative support for one or more of the following:

- Adding the EMPA trust fund to those funds exempted under s. 215.22, F.S. from being subject to the 7% service charge under s. 215.20, F.S.
- Amending s. 252.373, F.S. to broaden the base of policies in which the fee is imposed to include all insurance policies.
- Amending s. 252.372, F.S. to increase the annual fee imposed on insurance policies in one of the following ways:
 - Matching annual surcharge increases with the rate of inflation
 - Tying annual surcharge increase with the cost-of-living adjustment
 - Changing the set fees to a percentage of the premium amount similar to the Florida Hurricane Catastrophe Fund (s. 214.555 F.S.)

PURPOSE: To provide adequate funding for the Emergency Management Preparedness and Assistance Trust Fund to more adequately meet the current demands of county and municipal emergency managers.

BENEFIT: Increase funding to meet increasing costs for current programs and for the development of new programs.

FOR MORE INFORMATION:

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

Legislative Support Issues -2008

Firework Safety Local Ordinances

BACKGROUND:

From July 2005 through July 2006, over 5000 incidents/complaints regarding fireworks were filed with Palm Beach County law enforcement agencies. 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.

During the 2007 session, SB 1372 created the Consumer Fireworks Task Force to study and evaluate issues relating to fireworks. These issues include; proper use of consumer fireworks, regulation of sales and temporary sale facilities for fireworks and regulation of hours and funding options for fire official training and education. The Task Force recommendations shall be submitted to the President of the Senate and Speaker of the House by January 15, 2008. 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 any legislation that would limit local authorities to impose more stringent regulations on the sale and use of consumer fireworks.

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 -2008

Enterprise Zone Boundaries

BACKGROUND:

The Florida Enterprise Zone (FEZ) Program has 56 enterprise zones statewide, which are areas targeted for economic revitalization. This program offers tax incentives to businesses located in designated FEZ areas of urban and rural communities to encourage private investment and increase employment opportunities for the area's residents.

The Florida Enterprise Zone (FEZ) Program was formally established in May 1995 for a 10-year period, which ended in the year 2005. The State of Florida re-enacted the Program for another 10-year period to sunset in the year 2015. The state program offers eight (8) different tax incentives designed to assist and support: (a) new and existing businesses contemplating relocation to or establishing a new facility in an Enterprise Zone, and (b) local existing businesses in an Enterprise Zone planning an expansion.

There are two Urban Enterprise Zones in Palm Beach County. The State designated Enterprise Zone boundaries for Palm Beach County include portions of the municipalities of West Palm Beach, Riviera Beach, Belle Glade, South Bay, and a small portion of unincorporated County in the vicinity of Belle Glade. This area is approximately 10 square miles. The City of Pahokee has its own designation covering the municipal boundaries.

By amending the F.S. language cited below, expansion of the enterprise zone boundaries in the cities of Belle Glade, Pahokee and South Bay will have a greater impact in attracting businesses and job opportunities for Palm Beach County's Lake region.

The governing body of the jurisdiction which authorized the application for an enterprise zone that is comprised of one or more state designated rural areas of critical economic concern, pursuant to s. 288.0656 (7), Florida Statutes, may apply to the Office of Tourism, Trade, and Economic Development to expand its boundaries by not more than three (3) square miles.

Notwithstanding the area of limitations found in s. 290.0055 (4), the Office of Tourism, Trade, and Economic Development may approve the boundary amendment request if the boundary change continues to satisfy the requirements of subsections 290.0055 (6).

PURPOSE: To amend Florida Statute to expand enterprise zone boundaries by three square miles.

BENEFIT: By amending the F.S. language cited below, expansion of the enterprise zone boundaries in the cities of Belle Glade, Pahokee and South Bay will have a greater impact in attracting businesses and job opportunities for Palm Beach County's Lake Region.

FOR MORE INFORMATION:

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

Legislative Support Issues - 2008

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 -2008

Animal Care&Control

BACKGROUND: Section 828.073(2), Florida Statutes that the County's animal care and control officers may remove a neglected animal from its present conditions:

and shall forthwith petition the county court judge of the county wherein the animal is found for a hearing, to be set within 30 days after the date of seizure of the animal or issuance of the order to provide care and held not more than 15 days after the setting of such date, to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered thereon within 60 days after the date the hearing is commenced. No fee shall be charged for the filing of the petition. Nothing herein is intended to require court action for the taking into custody and making proper disposition of stray or abandoned animals as lawfully performed by animal control agents. [emphasis added].

Section 828.073(3) also requires that "[t]he officer or agent of any county ... taking charge of any animal pursuant to the provisions of this section shall have written notice served, at least 5 days prior to the hearing set forth in subsection (2)."

The language of the above cited custody statute places an undue burden on the County when seeking to obtain custody of an abused animal, since it is immensely difficult to seize an animal, schedule a hearing, and serve the animal's owner within the timeframes set forth in the statute. As a practical matter, county court judges set their calendars months in advance and often do not have time to hear lengthy custody hearings on short notice. Furthermore, the language of the statute is ambiguous and is often interpreted differently by different judges. For instance, should the language be interpreted to mean that the hearing must be scheduled within thirty days to be held within fifteen days? If so, then the County is left with insufficient time in which to serve the owner prior to the hearing. In the alternative, is the statute meant to be interpreted to mean that the hearing must be scheduled to begin within thirty days of the date of seizure and must conclude within fifteen days? These are questions the Legislature should clarify by revising the language.

In addition, since the language of the statute mandates that the counties follow timeframes that the courts are not currently equipped to follow, the Legislature should mandate that the courts establish appropriate procedures to schedule these custody cases on an expedited basis. As it now stands, the County has the burden to timely schedule hearings and risks having a custody case dismissed for failure to comply with the jurisdictional time limits; however, the courts rarely have time on their calendars for such hearings.

PURPOSE: Revise the language of Section 828.073 to clarify the exact timeframes that the County is to comply, and mandate that the circuit courts of the state establish procedures to hear these cases on an expedited basis.

FOR MORE INFORMATION:

Contact: Dianne Sauve, Director Animal Care and Control

Legislative Support Issues - 2008

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. During the 2007 session HB21 would have eliminated some inequity in the funding formula but failed to pass the House. Funding remained at \$31.8 million for 2007 pending potential cuts during Special Session.

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 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 with \$1.4 million going to Palm Beach County. The West Atlantic Avenue project was funded for 2007. PBC will have two construction projects (West Lantana and West Boca) carried over to this session that were approved by the State Library for the past two years but not funded in either the 2006 or 2007 Sessions.

FOR MORE INFORMATION:

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

Legislative Support Issues - 2008

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 - 2008

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 - 2008

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. The use of a photograph of the child from parents and/or physicians can aide in the determination of utilizing eye drops necessary for eye dilation. 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 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