

Revised Backup

Agenda Item #:

SA2

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: December 16, 2008	<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 FY09 State Legislative Program.

Summary: Staff requests the Board's review of the draft FY09 State Legislative Program. 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 January 9, 2009. 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 FY09 State Legislative Session begins March 3, 2009.

Attachments:

1. Draft FY09 State Legislative Program

Recommended by:

Department Director

Date

12/11/08

Approved By:

Assistant County Administrator

Date

12/15/08

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>* See below</u>				
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:

* No Fiscal Impact associated with this item at this time, for direction only.

atpallhite 12.11.08
OFMB
12/11/08

Don J. Jacobson
Contract Dev. and Control
12/12/08

B. Legal Sufficiency:

Rawn S. Wynn
Assistant County Attorney
12/15/08

C. Other Department Review:

 Department Director

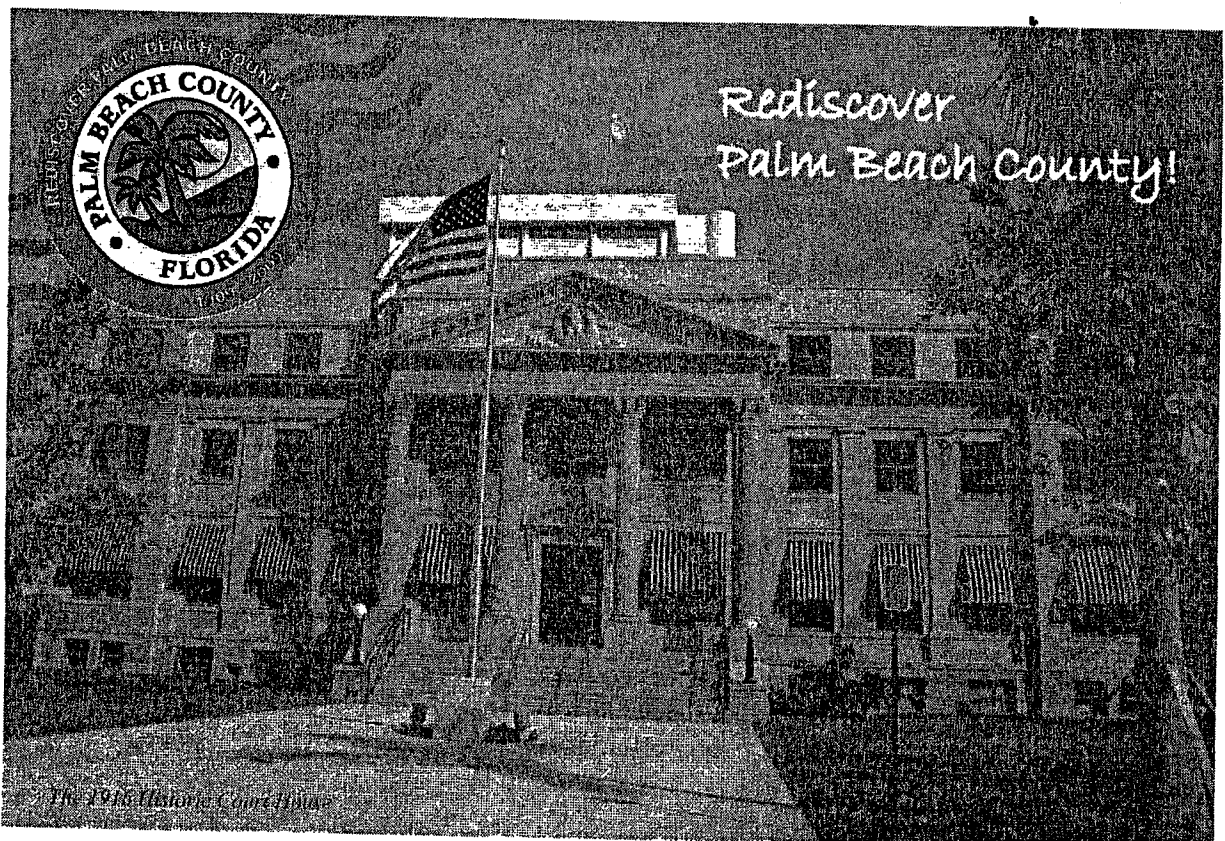
REVISED 9/03

ADM FORM 01

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

DEC 16, 2008
SAZ
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Palm Beach County LEGISLATIVE ISSUES 2009



Board of County Commissioners

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Burt Aaronson, Vice Chairman
Karen T. Marcus
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Robert Weisman, County Administrator
Todd Bonlarron, Legislative Affairs Director

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ECONOMIC DEVELOPMENT LEGISLATIVE PRIORITIES - 2009

ECONOMIC STIMULUS

Palm Beach County applauds the efforts of the U.S. Congress to restore consumer confidence and stimulate a sagging economy through new economic stimulus legislation. Recent House hearings, comments from the Chair of the Senate Environment and Public Works Committee, and statements from the new Administration have recognized the need for investment in infrastructure as a means to that recovery. Furthermore, recent testimony by the U.S. Conference of Mayors called for an allocation of funds to assist with the rehabilitation of the nation's aging water and wastewater infrastructure, complying with overflow issues and promoting source water protection as a means to stimulate the economy.

In November of 2008, Palm Beach County forwarded a letter to our Congressional Delegation that provided specific water and infrastructure, economic development and road construction projects aimed at putting residents back to work. Those "ready to go" projects provided an investment amount and the number of immediate jobs that would be created if funding were made available for the projects. These specific requests mirror general funding areas forwarded by the National Association of Counties to Congress. The Florida Legislature should follow suit and identify areas of economic stimulus and provide resources to help assist putting people back to work.

GLADES REGION INLAND PORT (INLAND LOGISTICS CENTER (ILC))

Inland ports are shipping, receiving and distribution centers designed to relieve the congestion in increasingly busy seaports, and are located away from traditional ports. South Florida ports are facing increased congestion, limited expansion opportunities, and high levels of growth. This congestion will only increase exponentially with the expansion of the Panama Canal.

The Port of Palm Beach would like to ease its congestion by constructing an inland port terminal and associated distribution/warehouse space. An Inland Port could also be utilized by Port Everglades, Port of Miami, and associated operators and users. Land in South Florida is limited for the construction of new port space, distribution space, and warehouse space. A study commissioned by FDOT indicates that the optimal location for a facility is within the Tri-Cities region. The Tri-Cities region was highlighted due to its abundance of developable land, highway infrastructure and access to rail corridors reaching all points of Florida.

An Inland Port could provide much needed jobs and related economic boost for residents of the Tri-Cities. 600 new jobs could be created per every 1 million square feet of space.

Another study commissioned by FDOT in 2008 estimates that industrial square footage demand in South Florida will reach 80 million square feet by 2025. The Tri-Cities region can capture a large percentage of the projected 80 million square feet, which could create: 1) 32,000 new jobs, 2) \$1.8 billion in total personal income, 3) \$1.2 billion in total business revenue, and 4) \$164 million in state and local taxes all by 2015.

GLADES REGION UTILITY AUTHORITY

Support the formation of The Glades Utility Authority (GUA) - an independent utility authority formed in partnership between the cities of Belle Glade, South Bay, Pahokee and Palm Beach County. Draft agreements have already been approved by the partners in concept and Palm Beach County is preparing a final business plan for full implementation of the Authority by the summer of 2009.

Obviously, many details still remain before the partners to this agreement. But it is presumed that at a minimum, the Authority will require the supporting influence of many as it looks to renegotiate and consolidate debt, fully institute a fair system of collections among residents and businesses within the Authority's service area, and achieve flexibility from regulatory agencies to comply with necessary and important public health regulations.

GLADES REGION AGRICULTURAL PROGRAM \$350,000

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 to familiarize 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.

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.

QUALIFIED TARGET INDUSTRY BUSINESSES

Support amending F.S. to modify the criteria to be eligible for Qualified Target Industry (QTI) businesses by providing a grace period for expanding companies to hire employees as required in their QTI contracts.

The QTI tax refund is a tool available to encourage quality job growth in targeted high value added businesses. The recessionary economy has slowed the expansion of employment in certain targeted cluster industries such as aerospace and IT. By amending the QTI to provide a grace period to create approved jobs, it would prevent targeted cluster companies from leaving Florida, prevent non-compliance with QTI contract requirements, and appropriately address real world economic circumstances. If approved, the Governor would authorize OTTED to renegotiate QTI contracts on a case by case basis. Approved renegotiated contracts would lead to higher amounts of State tax refunds to the companies.

Palm Beach County would be affected by potentially allowing Florida Turbine Technologies to request an extension on their QTI contract, which if approved by the State, would open the door for PBC BCC to consider approving a similar contract renegotiation with the Job Growth Incentive Grant agreement. The State has made similar legislative action after hurricanes and during economic downturns.

Language added in quotes and strikeout as noted:

A qualified target industry business may submit a request for an economic stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after January 1, ~~2005~~ "2008" , but before July 1, ~~2006~~"2009."

ENTERPRISE ZONE BOUNDARIES

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, and reenacted for another 10-year period to sunset in the year 2015.

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.

Amend F.S. - Subsection (7) is added to section 290.0055 Florida Statutes, to read: The governing body of a jurisdiction which contains a designated enterprise zone, that is located entirely within a state designated rural area of critical economic concern, pursuant to s. 288.0656(7) may apply to the Office of Tourism, Trade, and Economic Development to expand its boundaries by not more than 3 square miles. The expansion must be continuous to an existing enterprise zone boundary. Notwithstanding the area of limitations found in subsection (4), the Office of Tourism, Trade, and Economic Development may approve the boundary amendment if the boundary change continues to satisfy the requirements of paragraphs (6)(b) and (c).

BUDGET & TAXATION POLICY LEGISLATIVE PRIORITIES - 2009

UNFUNDED MANDATES/ MEDICAID COST SHIFTS

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.

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 opposes new unfunded mandates and unfunded state to county cost shifts.

ARTICLE V

During the 2004-2006 sessions, the State took 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 dedicated to each 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, legislation created 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 2009 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. 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.

GAS TAX INDEXING/ GAS TAX FUNDING FOR BOATING IMPROVEMENTS

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.

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. 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.

In addition, support legislation that would increase the allocation of gas tax revenue available for boating improvements and waterfront access projects and 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."

ENVIRONMENTAL/NATURAL RESOURCES LEGISLATIVE PRIORITIES-2009

LAKE REGION WATER TREATMENT PLANT \$3,500,000

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.

Palm Beach County requests a total of \$3.5 million from the State of Florida Legislature for the LRWTP. 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 (\$7.4 million), federal funding support (\$0.8 million) and federal funding authorization (\$7.5 million). Approximately \$17.2 million is still needed to complete the funding for this project.

LAKE WORTH LAGOON RESTORATION PROJECT \$5,460,400

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.

The program uses State dollars appropriated by the legislature, matched with local funding on a minimum 50:50 cost-share basis, 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. 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. Obtain funding of \$5.46 million to help implement the Lake Worth Lagoon Restoration Project. This funding will be matched with \$6,739,750 in local funds.

BEACH AND INLET MANAGEMENT PROJECT APPROPRIATIONS \$12,321,305

State funding is critical for the restoration and maintenance of Palm Beach County's beaches. Through the Shoreline Protection Program, the County is able to provide publicly accessible beaches, help maintain the tourist-based economy and protect upland property. A dedicated source of funding for beach and inlet management projects was established in 1998 from the documentary stamp tax revenue. The legislature has established intent to appropriate \$30 million annually in certain documentary stamp tax revenues to the Ecosystem management and Restoration Trust Fund for the purposes of beach preservation and repair. However, recent budgetary restrictions have reduced this amount to just over \$20 million in 2008, and less in 2009. The County is requesting inclusion of the following Palm Beach County shore protection projects in the State's Fiscal Year 2009/10 Beach Erosion Control Program.

Project	Federal	State	County	City	Total
Jupiter/Carlin Shore Protection	\$4,396,680	\$1,863,000	\$1,863,000		\$8,122,680
Jupiter/Carlin Erosion Control		\$550,000	\$550,000		\$1,100,000
Juno Beach Shore Protection		\$625,000	\$625,000		\$1,250,000
Singer Island Shore Protection		\$4,014,400	\$6,385,600		\$10,400,000
South Palm Beach Shore Prot.		\$4,625,000	\$2,775,000	\$1,850,000	\$9,250,000
South Lake Worth Inlet Mgmt.		\$43,500	\$43,500		\$87,000
Ocean Ridge Shore Protection	\$106,920	\$114,500	\$114,500		\$335,920
Delray Beach Renourishment	\$290,291	\$154,893	\$117,879	\$37,014	\$600,077
North Boca Raton Beach Rest.		\$95,000	\$38,000	\$57,000	\$190,000
Central Boca Raton Beach Rest.		\$76,942	\$37,000	\$71,058	\$185,000
South Boca Raton Beach Rest.		\$78,400	\$32,000	\$49,600	\$160,000
Countywide Monitoring	\$48,600	\$80,670	\$85,230		\$214,500
Total Request:	\$4,842,491	\$12,321,305	\$12,666,709	\$2,064,672	\$31,895,177

CHAIN OF LAKES RESTORATION \$720,500

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. State funds will be utilized for construction of 3 new projects to provide wetland restoration, shoreline enhancements, muck removal, and stormwater management improvements. Obtain funding of \$720,500 to implement stormwater and restoration projects identified in the Chain of Lakes Management Plan. This funding will be matched with \$ 720,500 in local funds.

GENERAL PERMIT FOR RESTORATION ACTIVITIES

Currently in statute there are 23 exemptions, two no-notice general permits and 20 noticed general permits for development related activities which create minimal environmental impacts. There are no such exemptions or general permits for local governments to conduct environmental restoration.

Time and money spent obtaining Environmental Resource Permits delays restoration projects and consumes precious dollars which would otherwise accomplish additional restoration. In most cases, local government restoration projects are conducted with matching state funds which have time constraints which may be exceeded by permitting time frames.

At the same time, agency review staff time is consumed reviewing and issuing permits for a class of projects which will only provide environmental restoration.

Support recommendations to:

- 1) Amend s. 373.406, F.S. to exempt certain public use facilities located on county-owned natural areas.
- 2) Create s. 373.407, F.S. to provide a noticed general permit for certain restoration activities.
- 3) Amend s. 253.03, F.S. to provide a form of authorization for certain restoration activities.
- 4) Amend s. 253.034, F.S. to limit certain filling of state lands to restoration activities.

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. 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.

TRANSPORTATION & INFRASTRUCTURE LEGISLATIVE PRIORITIES- 2009

GROWTH MANAGEMENT AND INFRASTRUCTURE

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:

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

STRATEGIC INTERMODAL SYSTEM FUNDING

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.

The Legislature should provide a formula for distribution of SIS funds through the Legislature based on gas tax revenues collected to more adequately meet the needs of Southeast Florida by recouping a proportionate allocation of gas tax revenues collected.

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY

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 will spend just under \$7,000,000 in FY 09 to provide funding for the SFRTA. Support legislation that would provide a dedicated funding source for the SFRTA operations.

TRANSPORTATION FUNDING SR 710 AND CONGRESS AVENUE (SR 807)

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. 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 and enhance economic development in this region.

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 link is currently overcapacity and includes the frontage of one of our major hospitals – JFK.

DMV FACILITY SERVICE/MOUNTS BOTANICAL GARDENS \$1,900,000

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. Under this plan, the current site of the DMV office would become an integral part of the 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.

AIRPORT ISSUES

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 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.

PUBLIC SAFETY LEGISLATIVE PRIORITIES – 2009

JUVENILE ASSESSMENT CENTER (JAC) \$400,000

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 in 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.

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.

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.

FLORIDA PRESCRIPTION DRUG MONITORING PROGRAM

Support a Prescription Drug Monitoring Program (PDMP) that would allow pharmacists to log each filled prescription that is a controlled substance into a state database to help medical professionals prevent abusers from obtaining prescriptions from multiple doctors. Currently 38 states have PDMPs with Florida being the largest state without a PDMP. Because of this, Florida has become a huge source of diverted pharmaceuticals which contributed to 3,317 fatal pharmaceutical overdoses in Florida during 2007. Palm Beach County alone has experienced an increase in pharmaceutical overdose deaths for the past three years, 287 in 2006, 324 in 2007, and an anticipated 400 in 2008.

SUMMER CAMP PERSONNEL SCREENING

Child abuse and sex crime cases within a summer camp facility have surfaced in several states that include Ohio, New Jersey, and Oregon. These instances could have been avoided or minimized by using proper background checks. In most cases, volunteers not required to have a fingerprint background check were involved. By expanding the fingerprinting requirements to all employees and volunteers at summer recreation camps, summer day camps and summer 24 hour camps, risk to children and youth under the care of these providers would be minimized. Amend FL Statute 409.1758 to extend fingerprinting requirements to all personnel involved in the summer camp program.

Support maintaining a public records exemption for any information that would identify or help locate a child participating in a government-sponsored recreation program or camp, or identify or help locate the parent or guardian of a child participating in such a program or camp.

HEALTH CARE LEGISLATIVE PRIORITIES -2009

TRANSPORTATION DISADVANTAGED PROGRAMS

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

In 2009, the State of Florida will provide Palm Beach County with \$2,331,714 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 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 - \$8,160,303). Palm Beach County supports attempts to maintain funding to the TD program and to prevent diversion of these dollars for other purposes.

AIDS TESTING FOR JAIL DETAINEES

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

TRAUMA CARE FOR INDIVIDUALS IN MULTI COUNTY AREAS

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.

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.

CONSUMER SERVICES LEGISLATIVE PRIORITIES - 2009

TOWING BILL

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. 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.

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. Amend F.S. 715.07 to define the

required documentation which towing companies must accept to prove that a person owns an impounded vehicle or vessel. 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. Require towing companies to accept payment for towed vehicles/vessels beyond cash to include valid checks and credit cards.

EMPLOYEE/VENDOR CRIMINAL BACKGROUND CHECKS

Amend Florida Statutes to allow for requiring federal criminal background checks in addition to the state background checks currently permitted for those who apply for a Vehicle for Hire Driver's I.D. Badge. Limiting counties to state FDLE background checks excludes any information regarding criminal history outside of the State of Florida possibly impacting the safety of the passenger. In addition, Vehicle for Hire Drivers often have access to airports, seaports and other security sensitive areas. Applicants would be responsible for the cost of the federal background check which is estimated to be an additional \$49.00. The current fee for a State FDLE check is \$24.00.

LOCAL GOVERNMENT/ADMINISTRATIVE LEGISLATIVE PRIORITIES

GOVERNMENTAL INDEMNIFICATION

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 impact's Palm Beach County's ability to provide services. There are two types of agreements negatively affected by the opinion: 1) agreements 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, the county has faced long delays in obtaining permits and easements on projects and has been unable to negotiate leases altogether because of our inability to indemnify or insure for county actions on the leased property.

Statute 768 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.

HOUSING ASSISTANCE GRANTS

Amend Florida Statutes that allows funding appropriated through the homeless housing assistance grants to be used for acquisition of existing property with an existing structure (F.S. 420.622(5)). Currently these funds are ineligible to use for acquiring existing property with building improvements. Permitted uses stated in the grant are limited to the construction of new, or repair of existing housing for the homeless. In today's real estate market, there are several apartment buildings that could have been purchased that would have been appropriate for housing the homeless. This change would add to the available housing stock set aside to assist the homeless and allow the County to qualify for additional state funding.

ENVIRONMENTAL AND NATURAL RESOURCES SUPPORT ISSUES -2009

LOXAHATCHEE RIVER INITIATIVE \$4,287,000

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, sediment and muck buildup, and saltwater intrusion has altered much of the natural state of the River and water quality concerns are widespread.

The Loxahatchee River Preservation Initiative is the outgrowth of a watershed management effort started by the Department of Environmental Protection in 1996. Support future requests for funding the Loxahatchee River Initiative. Obtain funding of \$4,287,000 for the Loxahatchee River Preservation Initiative. This funding will be matched with \$20,713,440 in local funds.

CONSERVATION AND RECREATION LANDS TRUST FUND

Support Increased Allocation of Land Management Funds

In 2008, Senate Bill 542 modified Chapter 259.032 to increase the amount of funds from the Conservation and Recreation Lands (CARL) Trust Fund which may be applied towards land management. The limit of management funding was increased from a maximum of up to 1.5% of funds deposited into the Florida Forever Trust Fund to a minimum of 1.5% of the funds deposited into the Florida Forever Trust Fund.

Importantly, the Land Management Uniform Accounting Council will prepare a report to the Legislature recommending a methodology to disperse land management funds by December 2008. It is unknown at this time whether lands already acquired with CARL funds will potentially be eligible to receive land management funding.

The County currently manages three state-owned natural areas, including Yamato Scrub, Jupiter Ridge and Juno Dunes. It is appropriate that all state-owned natural areas be eligible for management funding including those few parcels managed by local governments under agreement with the State. Support efforts to provide land management funding for lands already purchased with matching state funds.

LAKE OKEECHOBEE SCENIC TRAIL (LOST) CONNECTIONS/COMPLETION OF PHASE II \$1,610,000

The Lake Okeechobee Scenic Trail (LOST) is part of the Florida National Scenic Trail, and 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.

The completion of Phase II Lake Okeechobee Scenic Trail (LOST) Connections will expand visitor accessibility to the downtowns from the Lake Okeechobee Scenic Trail. 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.

FLORIDA FOREVER AND EVERGLADES RESTORATION

\$300 Million (\$10 million debt service) for Florida Forever and funding for Everglades Restoration

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.

WEST NILE PREVENTION/MOSQUITO CONTROL

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 movement of West Nile Virus into Florida is evidence of this susceptibility.

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 mosquitoes. 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.

WATER RESERVATIONS

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 two water reservations have been established in the State (Payne's Prairies Preserve and Apalachicola River). 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 May 2006, DEP successfully adopted Florida Administrative Code Rule 62-40.474 addressing water reservations in their Water Resource Implementation Rule (Chapter 62-40, F.A.C.) This rule was highly contested by a variety of 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.

Recently SFWMD initiated rule making for a water reservation at Picayune Strand located in Collier County. Upon review of SFWMD's draft rules and meeting comments, the utilities prior concerns related to water supply have since come to fruition. SFWMD has indicated that even if excess water is available at certain times of the year, this water will not be made available for potable water supply. Instead, excess water will be discharged to tide. While utilities support the state's goals of reserving enough water for the protection of fish and wildlife and human health, any excess water should be made available to utilities as a means of dealing with the ever difficult water supply issues. Thus, rules relating to water reservations should include provisions authorizing utilities to create reservoirs for storing and utilizing any water supplies not necessary for protection of fish and wildlife or human health and which would otherwise be lost to tide.

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.

TOTAL MAXIMUM DAILY LOAD PROGRAM

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

WATER CONSERVATION AND MANDATORY RATE STRUCTURES FOR PUBLIC UTILITIES

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. 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.

ALTERNATIVE WATER SUPPLY

Support the restoration of full funding for the development of alternative water supply projects from the Water Protection and Sustainability Program in order to implement the development of capital alternative water supply projects. In 2005, the State Legislature enacted the Water Protection and Sustainability Program requiring the regional water supply planning function of the water management districts to promote alternative water supply projects and enhance the state's water supplies. At the beginning of each fiscal year, revenues were to be distributed by the Florida Department of Environmental Protection into the alternative water supply trust fund accounts created by each water management district. A total of \$100 million was established in recurring funding. The South Florida Water Management District would get 30% of the total allocation, which was to be combined with matching financial assistance for alternative water supply projects from each district's budget to assist in funding alternative water supply construction costs selected by each District's governing board.

In 2008, funding from the Water Protection and Sustainability Program Trust Fund was reduced to \$7.7 million state-wide, and the SFWMD received a total of \$3.8 million of that total from the State for local match of which \$3 million was specifically earmarked for Miami-Dade County.

NON-POTABLE WATER REUSE

Support legislation that would recognize reclaimed water as the preferred water source for non-potable water uses where it is economically, technically, and environmentally feasible to do so. During the 2008 Session, there was proposed language to define reuse of reclaimed water, to authorize the designation of mandatory reclaimed water zones and to direct the water management districts to require the use of reclaimed water outside of mandatory reclaimed water zones. The legislation was also intended to assign reclaimed water offsets when available to reclaimed water providers and to allow the supplementation of reclaimed water with surface water, groundwater, or stormwater to better achieve peak flows without the need for additional storage.

As a result of the proposed legislation, the Governor asked for a review from the Department of Environmental Protection to evaluate reclaimed water issues with key stakeholders and come back with recommendations for the 2009 Legislative Session. In conjunction with that effort, Palm Beach County served on the Commission's Task Force before the Water Policy Congress, and chaired the Florida 2030 Reuse Subcommittee to develop short and long-term action plans addressing reclaimed water issues and possibly new legislation for the 2009 Legislative Session. DEP's report should become available in mid-December.

PUBLIC CONSTRUCTION WORKS

Support legislation that would continue to allow local governments to exercise home rule authority and use employees and publicly owned materials and equipment to construct capital improvement projects, including repair or maintenance of public facilities, in compliance with existing state law. Current law grants local governments broad home rule authority that unless preempted by general or special law, can include among other services, the provision of services for waste and sewage collection and disposal, and water and alternative water supplies.

During the 2008 Legislative Session, the building industry attempted changes to Florida Law to expand the current requirements that certain public projects be competitively bid, including repair or maintenance of a public building or facility. For Palm Beach County Water Utilities Department alone, the ability to use existing crews, materials and equipment in the construction of small capital works projects and for minor repair and maintenance projects has meant a savings to its customers of approximately \$500,000 to \$750,000 per year.

PUBLIC SAFETY SUPPORT ISSUES - 2009

HURRICANE RELIEF ISSUES

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:

- 1) 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.
- 2) Amending s. 252.373, F.S. to broaden the base of policies in which the fee is imposed to include all insurance policies.
- 3) Amending FS 252.373(1)(a) to allocate seventy percent of funds to implement, operate and administer state and local emergency management programs with at least eighty percent of that allocated to counties, and (b) to allocate the remaining thirty percent for grants to the appropriate agencies and organizations to implement the specified projects.
- 4) Amending s. 252.372, F.S. to increase the annual fee imposed on insurance policies in one of the following ways: a) Matching annual surcharge increases with the rate of inflation, b) Tying annual surcharge increase with the cost-of-living adjustment, and/or c) Changing the set fees to a percentage of the premium amount similar to the Florida Hurricane Catastrophe Fund, s. 214.555.

FIREWORK SAFETY LOCAL ORDINANCES

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 were submitted to the President of the Senate and Speaker of the House in January 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. Oppose any legislation that would limit local authorities to impose more stringent regulations on the sale and use of consumer fireworks.

DEADLY FORCE DEFINITION/ USE OF DART FIRING STUN GUNS

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, and includes a dart-firing stun gun that penetrates the body. (b) A law enforcement officer or correctional officer is not liable in any civil or criminal action arising out of the use of any less-lethal munition, including a dart-firing stun gun, in good faith during and within the scope of his or her official duties."

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. 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.

ANIMAL CARE & CONTROL

Section 828.073(2), Florida Statutes currently states 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."

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 ambiguous 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. 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.

TRAFFIC SAFETY PHOTO ENFORCEMENT

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 has approved a program to use traffic cameras to enforce traffic signals. 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. Palm Beach County's ordinance creates a municipal code violation for those who run red lights. Ensure that any legislative action allows Palm Beach County to continue their local program.

EDUCATION LEGISLATIVE SUPPORT ISSUES - 2009

STATE LIBRARY FUNDING

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

Restore State Aid funding for public libraries at \$34.2 million. The statutory limit for State funding is 25 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.

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 should be restored to historical

levels of \$2.4 million to support resource sharing activities of Florida's six multi-type library cooperatives. In FY 08-09, total funding was at \$1,500,000.

PUBLIC LIBRARY CONSTRUCTION GRANT PROGRAM

Funding should be allocated to support funding of all Department of State approved Library Construction Grant applications (26 projects) of up to the statutory limit of \$500,000 for a total of \$12.4 million. This is the only governmental funding source other than local funds as federal construction has been discontinued.

DEFINITION OF A FARM/DUMPING OF MANURE

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, and to ensure when manure is dumped on property, that it does not harm adjacent properties, with the pretense that is being used for "farming".

HEALTH CARE LEGISLATIVE SUPPORT ISSUES - 2009

RETINOBLASTOMA

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 omthalmoscope 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 in newborns and infants.

CONSUMER SERVICES SUPPORT ISSUES - 2009

TELECOMMUNICATIONS

Support legislation that would provide corrections of a technical nature to certain provisions of the Florida Statutes regarding cable and video services, in order to restore limited local enforcement authority along with key protections for both consumers and public, education and government (PEG) access channels across the state that were lost as an unintended consequence of legislation passed in 2007.

PEG CHANNEL PROTECTIONS RESTORED

Providers can now locate access channels on the “lowest digital tier of service offered.” Thousands of residents receive service, basic or otherwise, that currently does not require a cable converter. By moving an access channel to a digital tier, a provider would essentially be cutting these residents off from the very access that was intended when these channels were created in the early days of the cable industry. By amending F.S 610.109, it will provide for a placement of channels that does not require a cable converter for viewing.

Additionally, amend F.S. to eliminate the “10/5” rule, which requires PEGS to provide at least 10 hours of programming per day, of which at least five hours must be “non-repeat” programming. This requirement creates a burden for smaller access operations that could result in the loss of these channels.

CONSUMER PROTECTIONS RESTORED

Protects the interests of Florida consumers by removing the July 1, 2009 cutoff for local resolution of cable-related consumer complaints in communities that had an office or department dedicated to that purpose as of January 1, 2007. Those communities can choose to continue handling complaints indefinitely or allow the Department of Agriculture Consumer Services to take over that responsibility as provided in the statutes. If a community should choose to handle complaints locally, the DACS would still be available to its residents as an additional, alternative resource for these issues.

LOCAL BILL

FAMILY DAY CARE HOMES

The Palm Beach County Board of County Commissioners, Child Care Advisory Council and the Palm Beach County Health Department are recommending a number of changes to chapters 59-1698 and 77-620, Special Acts, Laws of Florida applicable to the permitting of child care facilities. The proposed changes will:

Increase the maximum number of children allowed in Family Day Care homes from 5 to 6 provided that no more than 2 of the children are birth to 24 months of age;

1. Designate one of the private enterprise seats on the Child Care Advisory Council for a family day care provider; and
2. Create a new permitting category for Large Family Child Care Facilities with a maximum capacity of 12 children and caregiver to child ratios of 1:4, 1:6, or 1:8 depending on the ages of children in care.
3. The proposed changes will provide greater consistency with State regulations and are endorsed by the Palm Beach County Family Child Care Association.

GLADES UTILITY AUTHORITY

Palm Beach County in conjunction with the South Florida Water Management District and the State of Florida, recently constructed a new, state-of-the-art reverse osmosis water treatment facility to treat water to potable drinking water standards with the expectation that such improved quality will reverse the numerous public health and safe drinking water violations that have been persistent in these communities. It has been suggested that those wastewater treatment systems and distribution and collection systems that are in service, and customer accounts for the three cities all be consolidated under a single entity pursuant to a plan that would have the best opportunity to achieve financial stability and restore water quality integrity.

Revenues collected by the three cities from its customers have been allowed to fall behind, leading to as much as forty percent (40%) uncollected or unbilled revenue. This problem is a result of unpaid service charges by residential users, including residential rental tenants, bypassed meters, broken or underperforming meters, unregistered users, illegal restoration of service after a meter has been removed, and other issues.

Revenues must be enhanced without adding to the financial burden of Glades customers. Revenues must be collected in a manner that reduces the impact of non-payment on operations. The Glades Utility Authority, which would be created by execution of an interlocal agreement by the County, Belle Glade, Pahokee and South Bay, shall adopt requirements of a Special Act that would enable the Authority to develop and maintain a billing relationship directly with property owners for all or a portion of the cost of service, and placement of past due service charges on the tax roll for collection. Service charge payments in default would also be placed on the annual tax roll for collection, along with any applicable penalties and interest charges.