

Agenda Item #: 11: 00 am

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 30, 2010 Consent Regular
 Ordinance Public Hearing

Department:
Submitted By: Administration
Submitted For: Legislative Affairs
=====

I. EXECUTIVE BRIEF

Motion and Title: Staff requests Board direction on draft FY11 State Legislative Program.

Summary: Staff requests the Board's review of the draft FY11 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 (DW)

Background and Justification: Each year, the Board of County Commissioners adopts a program of legislative and appropriation priorities for the upcoming Legislation Session. The legislative program will be reviewed at a meeting with the Legislative Delegation prior to the start of the FY11 Legislative Session. 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 FY11 State Legislative Session begins March 8, 2011.

Attachments:
A. 2011 Proposed Legislative Program
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Recommended by: Zolt B. Sherman Department Director 11/15/10 Date
Approved by: Paul Williams Assistant County Administrator 11/15/10 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
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:

N/A

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

* No fiscal impact

 OFMB
 11-16-10
 SD 11/13/10
 PM 11-16-10

 Contract Dev. and Control
 11/15/10

B. Legal Sufficiency:

 Assistant County Attorney
 11/22/10

C. Other Department Review:

 Department Director

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ECONOMIC DEVELOPMENT LEGISLATIVE PRIORITIES - 2011

GLADES REGIONAL INITIATIVES

Palm Beach County, in an effort to provide economic growth and stimulus to the region surrounding Lake Okeechobee, has identified several legislative issues that will provide economic development and job creation to the area. Among the issues are:

- Lake Okeechobee Scenic Trail state funding of \$1.6 million and reconstruction of existing pavement by the Corps of Engineers
- Torry Island Master Plan funding of \$75,000 for the redevelopment of this site into a marine resort focused on the ecotourism market
- \$350,000 for a Specialty Crop Program for Small and Ethnic Growers
- Proviso language to earmark \$5 million in Quick Action Closing Fund dollars for the Glades region
- Additional Workforce Development dollars directed to the Glades region

The purchase of US Sugar holdings have prompted the communities surrounding Lake Okeechobee to ensure state and federal resources are available to offset lost jobs from the sale as a means to stimulate the local economy.

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.

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.

During the 2009 session the Legislature authorized FDOT to spend up to \$1 million on additional studies to assist in the implementation of the inland port.

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.

Section 290.0055(6) (d) is amended to read:

The governing body of a jurisdiction which nominated the application for an enterprise zone that includes a portion of one state designated rural area 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 boundary by not more than three (3) square miles. The application must be submitted by December 31, 2011.

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 remaining requirements of section 290.0055.

The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

This act shall take effect January 1, 2011.

RIVIERA BEACH MARINA FARMERS MARKET

The Palm Beach County Market at the Riviera Beach Marina will be a multi-county economic engine with the core in Palm Beach County that will create 100-225 small entrepreneurial farming firms, crafters and business owners and 1000 moderate wage jobs to encourage rural preservation, a sustainable local food supply, exports and long-term economic profitability. This includes a coastal Marina Market in Riviera Beach (68,000 sq. ft. building with 300 parking spaces). Request \$1.8 million dollars for facility planning and construction.

BUDGET & TAXATION POLICY LEGISLATIVE PRIORITIES - 2011

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. Since then, the Legislature worked very closely with local governments and other effected parties at the local level to draft legislation to define responsibilities of court funding and to address some fiscal needs; however, there are still revisions that need to be addressed during the 2010 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. We support the continuation and enhancement of the \$2.00 recording fee to be distributed to counties to fund court-related technology needs. Palm Beach supports full funding for statewide traffic hearing officer programs.

Under existing law, Counties are required to increase funding for courts by 1.5% a year. The legislature created a one year reprieve from this requirement during the 2010/11 fiscal year. Under current economic conditions where local governments have been reducing funding levels across the board, this requirement may lead to fiscal difficulties for local governments and the funding increase mandate should be eliminated.

GAS TAX FUNDING FOR BOATING IMPROVEMENTS

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, boating improvements and water front access projects will help offset the economic factors that are contributing to the loss of public access.

In addition, support legislation or administrative action that either amends or clarifies Florida Statute 328.72(15) after "public launching facilities" to read or to be interpreted to include: "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- 2011

GLADES UTILITY AUTHORITY WATER INFRASTRUCTURE IMPROVEMENT PROJECT

The City's of Belle Glade, Pahokee, and South Bay are able to provide adequate pressures during average daily flows and maximum daily flows conditions. However, all three cities have problems providing adequate pressure (minimum 20 psi) during maximum daily flow conditions, adding also fire flow conditions. Additionally, there is considerable piping within the Glades Communities that is undersized (less than 6-inches in diameter) and needs to be replaced. This project is needed in order to maintain adequate pressures in the system to meet fire flow requirements, protecting the safety of the public and businesses within the Glades Communities. The Water Infrastructure Project is to improve fire flows in the Glades region. The total project cost is \$18 million. \$9 million has been requested from the federal government, \$4.5 million will constitute the local share and \$4.5 million is requested from the State.

LAKE WORTH LAGOON INITIATIVE \$4,460,400

The Lake Worth Lagoon estuary stretches 20 miles from North Palm Beach to Boynton Beach and has been subjected to pollution and habitat loss for decades. The County, the South Florida Water Management District 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 construction of storm water control projects. Revitalizing this important water body provides long-term environmental, recreational and economic benefits to the region.

The Initiative provides a cost-share program to municipalities for projects to benefit the Lagoon. Money is allocated through the Lake Worth Lagoon Partnership Grant Program, which provides a competitive process for selection of viable restoration and water quality projects 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 \$17 million in State funds and \$59 million in local funds have been dedicated to restoring the Lagoon. In 2009 and 2010, no State appropriation were received for this project. Obtain funding of \$4,460,400, matched with \$4,460,000 in local funds, to implement the Lake Worth Lagoon Partnership Grant Program.

LWL Funding Requests for Fiscal Year 2011-2012

FY 2011 /2012 LWL FUNDING REQUESTS				
	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
	Everglades Artificial Reef	\$500,000	\$500,000	\$1,000,000
	Monastery Artificial Reef	\$250,000	\$250,000	\$500,000
	Palm Beach Atlantic University Restoration Project	\$1,000,000	\$1,000,000	\$2,000,000
	Ibis Isle Seagrass Restoration	\$750,000	\$750,000	\$1,500,000
	Westgate/Belvedere CRA Stormwater Project	\$500,000	\$500,000	\$1,000,000
	Living Shorelines Mangrove Protection	\$350,000	\$350,000	\$700,000
	Lake Park Stormwater Improvement	\$250,000	\$250,000	\$500,000
	John's Island Oyster Reef - Phase 2	\$400,000	\$400,000	\$800,000
	Monitoring and Administration	\$460,400	\$460,400	\$920,800
	TOTAL	\$4,460,400	\$ 4,460,400	\$ 8,920,800

BEACH AND INLET MANAGEMENT PROJECT APPROPRIATIONS \$7,133,586

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

State funding is critical for the restoration and maintenance of Palm Beach County's beaches. Through the Shoreline Protection Program, the County provides 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 established an intent to appropriate \$30 million annually in documentary stamp tax revenues to the Ecosystem Management and Restoration Trust Fund for beach preservation and repair. However, recent budgetary restrictions have

reduced this amount to just over \$20 million in 2008, and less than \$10 million in 2009 and 2010. The County is requesting inclusion of the following Palm Beach County shore protection projects in the State's Fiscal Year 2011/12 Beach Erosion Control Program:

FY 2011 BEACHES FUNDING REQUESTS						
No.	Project Name	State Grant Funding Request	Federal Match	County Match	Municipal Match	Estimated Project Cost
1	Jupiter/Carlin Shore Protection	\$1,960,378	\$4,736,244	\$1,960,378	\$0	\$8,657,000
2	Jupiter Beach Erosion Control	\$450,000		\$450,000	\$0	\$900,000
3	Juno Beach Shore Protection	\$150,000		\$150,000	\$0	\$300,000
4	Singer Island Shore Protection	\$2,448,105		\$2,454,846	\$1,225,738	\$6,128,689
5	Central PBC Erosion Control	\$1,650,000		\$990,000	\$660,000	\$3,300,000
6	South Lake Worth Inlet	\$53,000		\$53,000	\$0	\$106,000
7	Ocean Ridge Shore Protection	\$164,703	\$383,594	\$164,703	\$0	\$713,000
8	Boca Raton North Beach Shore Protection	\$92,500		\$37,000	\$55,500	\$185,000
9	Boca Raton Central Beach Shore Protection	\$84,900		\$40,000	\$75,100	\$200,000
10	Boca Raton South Beach Shore Protection	\$80,000		\$32,000	\$48,000	\$160,000
	TOTAL	\$7,133,586	\$5,119,838	\$6,331,927	\$2,064,338	\$20,649,689

CHAIN OF LAKES RESTORATION \$1,000,000

Palm Beach County's Chain of Lakes system 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 and the Florida Department of Environmental Protection 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 20 acres of high quality wetlands, and dredging 200,000 cubic yards of muck sediments. State funds will be utilized for construction of three new projects to provide wetland restoration, shoreline enhancements, muck removal and stormwater management improvements. These projects are identified in the Chain of Lakes Management Plan. Obtain funding of \$1,000,000 to implement storm water and

restoration projects identified in the Chain of Lakes Management Plan. This funding will be matched with \$1,000,000 in local funds.

In 2009 and 2010, no State appropriations were received for this project.

COL Funding Requests for Fiscal Year 2011-2012

FY 2011 /2012 COL FUNDING REQUESTS				
	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
	Crinum Island	\$420,000	\$420,000	\$840,000
	Lake Osborne North Lobe Restoration	\$100,000	\$100,000	\$200,000
	West Slough Restoration	\$375,000	\$375,000	\$750,000
	Monitoring and Administration	\$105,000	\$105,000	\$210,000
		\$1,000,000	\$1,000,000	\$2,000,000

GENERAL PERMIT FOR RESTORATION ACTIVITIES AND LIVING SHORELINE EXEMPTION

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 or homeowners 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 and/or federal 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 benefit.

Recommendation:

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

These recommendations will allow for streamlined regulatory approvals for environmental restoration projects. This will reduce time to obtain regulatory approvals, which is often in conflict with grant deadlines.

It will also increase certainty of obtaining regulatory approval, which is often a requirement for grant application submission.

RENEWABLE ENERGY

On January 20, 2010, Broward, Palm Beach, Miami-Dade and Monroe Counties (Compact Counties) ratified the Southeast Florida Regional Climate Change Compact (Compact). The Compact advocates for increased state and federal funding for mitigation and adaptation projects for climate change challenges. As a member of the Compact, Palm Beach County supports all of the priorities, including the following:

Renewable Energy Portfolio Standard

Support legislation that establishes a renewable energy portfolio standard for the Florida and that adopts a standard of 20% renewable energy by 2020. Renewable energy sources are defined as wind, solar, geothermal, biomass, landfill gas, qualified hydropower, nuclear, marine and hydrokinetic energy.

Offshore Oil Drilling

Oppose efforts to lift the ban on oil drilling within Florida's territorial waters as described in County Ordinance No. 2010-1071.

Alternative Energy Development

Support legislation that promotes the development of alternative energy sources and programs that provide incentives for local governments to assist in state energy policies such as green building and carbon emission reductions.

TRANSPORTATION & INFRASTRUCTURE LEGISLATIVE PRIORITIES- 2011

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. Legislation during the 2009 session amended state law to eliminate state transportation concurrency requirements in urban service areas of the State's most dense populated cities and counties. Those provisions in SB 360 were challenged and eventually overturned by the Supreme Court. Any new revisions to growth management laws should take careful consideration of and protect the distinct home rule authority of local governments and should focus on the study of alternative approaches to transportation funding and concurrency. Efforts to strengthen intergovernmental coordination so that land use decisions of one jurisdiction do not negatively impact another should be considered. Support Florida's

Growth Management framework that recognizes the need for a comprehensive land use planning strategy and agency.

AMTRAK SERVICE ON THE FEC CORRIDOR AND CSX LIABILITY

The Palm Beach County Board of County Commissioners, Treasure Coast Regional Planning Council (TCRPC) and other local governments and MPOs have been working together to reintroduce passenger service, via Amtrak, on 326 miles of the FEC railway between Jacksonville and Miami. According to Florida Department of Transportation estimates, the project will create 2,100 jobs in three years; generate long-term revenues of more than \$2 billion in land development; and provide improved mobility and environmental benefits.

The proposed eight new passenger stations on the East Coast include Stuart, Ft. Pierce, Vero Beach, Melbourne, Vero Beach, Cocoa, Titusville, Daytona Beach, and St. Augustine. Existing stations on the East Coast include Jacksonville, West Palm Beach, Delray Beach, Deerfield Beach, Ft. Lauderdale, Hollywood, and Miami. Other existing stations include Orlando, Tampa, Winter Park, Sanford, Lakeland and more. More than 174 resolutions and letters of support have been adopted by public and private organizations around the state. These include city and county commissions, MPO boards, regional planning councils, chambers of commerce, tourist development councils, merchants' associations, state-wide organizations and others, including the Governor, congressional and legislative leaders.

The Florida Department of Transportation submitted a federal funding application for the Amtrak/FEC Corridor project to the Federal Railroad Administration in August 2010. The project is now in the running for a requested \$250 Million to complete the project in three years.

If the project is funded, a liability agreement between Amtrak and the State of Florida must be approved by the legislature. Amtrak is requesting the same protections as CSX received from the legislature last year. This legislation would also allow the SunRail commuter rail project in Orlando to move forward as well.

LOCAL OPTION FUEL TAX CLARIFICATION

In July of 2010, the Attorney General rendered an opinion stating the use of local option fuel tax authorized in section 336.025, Florida Statute, may not be used to fund operational expenditures of street lighting and traffic signals. Many local governments have used gas tax dollars to fund these types of expenditures but may not find it difficult to identify other funds to be used for the operational expenses of transportation infrastructure.

Amend s. 336.025 to allow for the use of local option gas tax revenue for the operation and maintenance of street lights and traffic signals.

FDOT FIBER OPTIC CABLE ACCESS

The South Florida Shared Fiber Initiative, which includes Palm Beach County, would like to access the Florida Department of Transportation fiber optic network for broadband usage purposes. Access to excess broadband capacity, on a statewide level, represents a dramatic opportunity to fully utilize critical infrastructure at great taxpayer relief while at the same time presents an opportunity for FDOT to potentially gain access to local fiber optic networks. The South Florida Shared Fiber Initiative is a five county collaborative effort formed to educate the Florida Legislature and the Florida Department of Transportation. The other counties are Broward, Martin, Indian River and St. Lucie. Palm Beach County contains the most fiber optics than the other four counties, with an estimated 350 miles of FDOT sponsored fiber optic cable already in the ground.

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 and local Tax Collectors to provide additional DMV locations for expanded service.

PUBLIC SAFETY LEGISLATIVE PRIORITIES – 2011

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 September 2016. 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. DJJ included this request in their 2010 budget proposal to the Governor and the Legislature appropriated \$175,000, but it was vetoed by the Governor.

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.

REENTRY FOR NON-VIOLENT OFFENDERS

Florida continues to house one of America's largest prison populations. More than 30,000 people return to their communities each year with more than 1,200 of those coming to Palm Beach County. Continued prison inmate growth creates an unprecedented challenge to local communities who must absorb these individuals upon their return. Palm Beach County supports efforts to restore rights to felons and to provide resources to ensure successful re-entry into the regular workforce. Palm Beach County also continues to support corporate tax credits and bond protection for businesses that hire non-violent felons as part of a re-entry program. In addition, Palm Beach County supports the Florida TaxWatch criminal justice reform suggestions described below:

Drug Court Expansion

Florida TaxWatch recently determined that one of the best proposed criminal justice reform measures for prisoners re-entering our communities is an expansion of the Drug Court system. Not only does it help the former prisoner integrate successfully back into the community, it is also a tremendous cost savings

measure. Currently, Palm Beach County only operates a pre-trial diversion Drug Court. Approximately 1060 defendants have been served since the program began in 2000, with a very low recidivism rate of 12 percent.

In 2009, the Legislature appropriated \$19 million to establish nine post-adjudicatory drug courts. These programs serve defendants once they have been convicted of their charges. If drug court is an option, the defendant would forego other sentencing options in lieu of drug court, keeping them out of the prison system. Statewide, these programs show that over a three year period, 80 percent of program graduates avoid going to prison. The problem is these programs have not been as successful as originally thought. Several issues need to be addressed by the 2011 Legislature to ensure the program's success:

- Include additional counties so as to divert more prison-bound offenders, including Palm Beach County. Palm Beach County was not one of the nine judicial circuits chosen in 2009; however, we have a successful pre-trial diversion drug court established and would benefit from expanding the program to include post-adjudicatory drug offenders.
- Expand the drug court criteria so that more offenders are eligible to participate. Most notably, allow judges the discretion to allow offenders with prior non-violent offenses who are appropriate for treatment and do not present a risk to public safety to participate in expansion of the drug court.

Efforts should also be made to support any legislation that would create post-incarceration drug courts. These courts would be utilized by incarcerated prisoners who have served at least 60 percent of their sentence. At that point, they would be released to the jurisdiction of the drug court. Approximately 15,000 non-violent offenders currently in the state prison system have been identified, a large portion of which could be directed towards these drug courts at an annual cost savings of \$1,851,250 for every 1,000 non-violent inmates that were allowed to participate.

By enabling former prisoners to re-enter the community sober reduces the chances that they will return to the Florida prison system. Also, by diverting offenders from the prison system into a substance abuse rehabilitation program reduces the risk that these offenders will repeat their original crimes, assuming successful completion.

PRE-TRIAL RELEASE

In 2010, the HB 445 and SB 782 were filed in the Legislature that would have significantly hampered the ability of local governments to administer their pretrial release programs. According to estimates from the Palm Beach County Criminal Justice Commission, the restrictions that would have been created by this legislation would likely cause an average of 284 defendants each month who are on supervised release to be retained in custody. Current supervised release programs cost is \$3 per day, whereas costs to house a defendant in jail are approximately \$123 per day. Support maintaining county ability to provide non-monetary pre-trial release services that ensure the safety and welfare of local communities and oppose legislation that would limit the discretion of first appearance judges to prescribe pre-trial options for defendants.

DOCUMENT PROCESSING WITHOUT CHARGES

Currently, state law provides that "The clerk of the circuit court shall charge for services rendered by the clerk's office in recording documents and instruments and in performing the duties" of their office. The law further provides exemption from these charges for the following offices: "the state attorney, public defender, guardian ad litem, public guardian, attorney ad litem, criminal conflict and civil regional counsel, and private court-appointed counsel paid by the state, and to the authorized staff acting on behalf of each, access to and a copy of any public record, if the requesting party is entitled by law to view the exempt or confidential record..."

Criminal Justice Commissions are currently allowed to view and obtain these documents but have not been exempted under state law from receiving the items without charge.

Amend statute 28.24 to allow for a charge exemption for record requests made by County Criminal Justice Commissions.

PAIN MANAGEMENT CLINICS

In 2010, The Florida Legislature passed comprehensive legislation restricting the operation of pain management clinics. In addition to requiring Pain Clinic registration and a license from the Department of Health, the legislation limited the amount of drugs that can be distributed at pain management clinics to 72 hour supplies, prevented felons and disciplined doctors from owning clinics, and provided limitations on advertising the clinics.

Since those changes, law enforcement officials have seen a rise in the number of applications for pharmacies, possibly in response to the 3-day drug disbursement limitation. Support legislative changes that limit ownership relationships between pain clinics and pharmacies, and more importantly, support funding and implementation of a mandatory Prescription Drug Monitoring Program.

GOOD SAMARITAN LEGISLATION

The Violent Crimes Division and the Narcotics Division of the Palm Beach Sheriff Office, support Good Sam legislation in Florida to help prevent unnecessary drug overdose deaths. Under this legislation, if you have a scenario where a victim is overdosing on drugs, and another person witnesses the overdose and calls 911 to get help, the Good Sam law would specify that neither the caller nor the victim would be charged with possession. They would receive limited immunity from prosecution for drug possession; however, the law would not apply to any person who is wanted for serious charges such as selling, distributing or

trafficking drugs, any person currently facing any criminal charges, or any person with an outstanding warrant.

In 2009, after close examination of the 207 fatal drug overdose cases in Palm Beach County, it was concluded that most overdose deaths are witnessed events and are therefore preventable. Calling "911" is the most effective intervention action; however, fear of contacting law enforcement officers prevents those witnesses from making that potentially lifesaving call.

In the next year, about 325 accidental drug overdose deaths are expected in Palm Beach County. About half will fit the scenario described above. Depending on the effectiveness of our "911 Good Samaritan Law" public awareness campaign, it is probable that if this legislation is enacted, 50 - 100 lives could be saved in Palm Beach County.

Washington and New Mexico currently have similar laws in effect.

HEALTH & HUMAN SERVICES CARE LEGISLATIVE PRIORITIES -2011

TRANSPORTATION DISADVANTAGED PROGRAMS

In 2011, the State of Florida will provide Palm Beach County with \$1,953,161 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 (this year - \$488,675; Last year the state allocated \$1,868,189 and Palm Beach County provided \$1,915,226). Palm Beach County supports attempts to maintain funding to the TD program and to prevent diversion of these dollars for other purposes.

SENIOR CENTER/ WEST COUNTY HOMELESS RESOURCE CENTER

The County currently owns and operates a senior center within a governmental complex in unincorporated area of the Glades providing a wide variety of County and State services. The current location of the Senior Center creates challenges for many seniors seeking access to the building and its services. The County is exploring the option of building a new Senior Center adjacent to the City owned Lake Shore Park which provides optimal access to seniors, opportunities for expanded recreational programming (both indoor and outdoor) and extensive intergenerational programming critical to the future development and success of the western communities. The City of Belle Glade is donating the property for this use and unanimously supports the proposal.

Recently, the County and City of West Palm Beach approved the creation of the County's first Homeless Resource Center. The County is exploring options for opening a second homeless center to be located in the Glades. If a new senior center is constructed in the Glades, the current senior center building would then be converted to a Homeless Resource Center providing optimum accessibility for the homeless population, access to County and State service providers. The Palm Beach County Homeless Advisory Board recommendation is to construct a new County Senior Center at Lake Shore Park and renovate the existing senior center building for the homeless center.

Support an allocation of \$3.5 Million to assist in building a new Senior Center in Belle Glade and a \$500,000 allocation to retrofit the existing senior center in the Glades as the County's second Homeless Resource Center.

HOMELESSNESS

Affordable Housing

Palm Beach County supports the removal of the collection cap on the Sadowski Housing Trust Fund and supports language that would allow monies collected for the trust fund to be used only for affordable housing.

Homelessness Prevention Grant Program

The Florida Office on Homelessness seeks to add a voluntary contribution check off item on all motor vehicle registrations and drivers' license fees (new issues and renewals) in the amount of \$1.00. The contribution would generate funding to be used by the Office on Homelessness to supplement Challenge Grants, homeless housing assistance grants, and public awareness campaigns used to highlight the issue of homelessness. Currently, there are 24 entities authorized to be placed on the check-off list that generate approximately \$1.5 million annually, or \$18,000 - \$500,000 per organization.

LOCAL FUNDING PARITY FOR HEALTH AND HUMAN SERVICE PROGRAMS

Census data coupled with periodic agency needs analysis have been two of the main factors that determine how financial resources are allocated for programs such as mental health, substance abuse, and re-entry forensic services. Often the needs analysis used to calculate these allocations are outdated and have led to inequities in how these types of program funds are allocated to Palm Beach County as compared to other urban counties in the state. Support changes in law that require needs analysis data used to allocate program allocations be no more than two years old.

For example, Palm Beach County is currently experiencing a \$1.7 million funding deficit for its Independent Living Services program. Inadequate funding and a growing caseload since the program's inception have lead to these severe funding shortfalls. Compared to other counties, Palm Beach County is woefully underfunded.

CONSUMER SERVICES LEGISLATIVE PRIORITIES – 2011

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.

Previous legislation filed in the Florida Legislature 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. 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 – 2011

VALUE ADJUSTMENT BOARD

Due to recent changes in the state law, the presumption of correctness now rests on the property appraiser's office and petitioners to the Value Adjustment Board no longer are required to prove the assessed value of their property was inaccurate. The Palm Beach County Value Adjustment Board received a record 19,800 petitions last year from residents who pay a \$15 filing fee in comparison to the approximate \$47 in costs to the County to facilitate a petition. This year while the number of petitions filed has decreased, the number of hearings has remained consistent with number from the previous year. The current filing fee has been in effect since 1988. With the changes in law coupled with the vast number of petitions filed and expected to grow, the filing fee should be raised to \$50 to cover the anticipated increasing costs to process them.

FLORIDA RETIREMENT SYSTEM (FRS) REFORM

Palm Beach County believes that the Florida Retirement System (FRS) provides an important benefit to public workers throughout the state. The State's retirement system, by national standards, is not considered a generous one with an average pension of approximately \$16,845 per year; however, it is a large plan with over 600,000 participants that provides some security for retiring workers. Those factors, along with a strong administrative team with a history of good investment management, have made it one of the most actuarially sound retirement plans in the country. With that in mind, the legislature should take careful consideration of many factors when making changes to the FRS. Palm Beach County supports the creation of a Statewide FRS Study Group that includes representatives of local governments and employees to evaluate and provide recommendations on FRS issues to the legislature by the 2012 Legislative Session.

To that end, Palm Beach County recommends the following items to be considered by the Legislature and Study Group:

- Requirement of any member of the FRS to make a modest financial contribution to the plan with a cap on future increases tied to an index, an offset of such contributions that may otherwise be contributed by the state or other local government, and a potential sliding scale based on salary levels.
- An indexing of current Cost of Living adjustment for retirees as opposed to fixed increases.
- Lengthening of the time that employees must wait to be rehired after leaving DROP and application of the same standard to individuals being considered for hire who have recently retired from the federal government or another state or local government.
- Explore incentives for those who want to enter an investment option retirement plan.
- Caps on the number of overtime hours or other compensation that can be used for calculation in the Average Final Compensation used to calculate one's retirement benefit.

The Legislature should **AVOID** measures that:

- Alter current benefits for existing government employees. All existing employees have earned these benefits and have, in most cases, planned their career and retirement around those benefits.
- Require employees to enter into an investment option as opposed to a defined benefit plan. This would create higher costs to the state as the current plan relies on and survives because of the influx of investments from those employees who ultimately do not vest in the system.
- Raise the retirement age. This typically means that employees will work longer at higher salaries as opposed to new hires at lower rates.

PUBLIC RECORD ISSUE

Chapter 2010-130, Laws of Florida was enacted during the 2010 legislative session to extend public records and meeting exemptions to local ethics commissions. However, the provisions of the exemption would only partially apply to the investigations conducted by the Palm Beach County Inspector General office.

The public necessity exists for all complaints and related records in the custody of a county or municipality that has established an inspector general audit and investigatory process to enforce more stringent standards of waste, fraud, abuse, conduct and corruption to be exempted from public records requirement until the audit or investigation is final. The exemption is necessary because the release of such information could potentially be defamatory to an individual or entity under audit or investigation causing unwarranted damage to the good name or reputation of an individual or company, or significantly impair an administrative or criminal investigation. The exemption creates a secure environment in which a county or municipality may conduct its audits and investigations.

Amend Chapter 119.0713 (2), F.S. to read: **The audit report of an internal auditor and the investigative and audit reports of an inspector general prepared for or on behalf of a unit of local government becomes public record when the audit or investigation becomes final. As used in this subsection, the term “unit of local government” means a county, municipality, special district, local agency, authority, consolidated city-county government, or any other local governmental body or public body corporate or politic authorized or created by general or special law. An audit or investigation becomes final when the audit or investigative report is presented to the unit of local government. Audit or investigative workpapers and notes related to such audit or investigative report are confidential and exempt from s.119.07(1) and s. 23(a), Art 1 of the State Constitution until the audit or investigation is completed and the audit or investigative report becomes final.**

REAPPORTIONMENT

Every ten years the Florida Legislature is required to reapportion the state into specified representative, senatorial, and congressional districts. Since the United States Decennial Census of 2000, Palm Beach County has continued to evolve as an intensely populated area of unique and well-defined interests. Based on the community of interest established in Palm Beach County, the need to provide County residents equal representation, and respect for the County's geographic boundaries, the Board of County Commissioners urges the Florida Legislature to adopt an apportionment plan that minimizes overlap of senatorial and representative districts into counties adjacent to Palm Beach County. Support the adoption of an apportionment plan in which Palm Beach County residents comprise a majority of the constituencies in the senatorial and representative districts created such that no less than three Senate districts are created with a majority of their district within Palm Beach County.

ENVIRONMENTAL AND NATURAL RESOURCES SUPPORT ISSUES -2011

LOXAHATCHEE RIVER INITIATIVE \$3,295,000

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. Despite its Federal designation as a Wild and Scenic River and the protective status associated with classification as an Outstanding Florida Water, significant problems with the River need to be addressed. Development in the River's watershed has altered much of the natural flow of the River and water quality concerns are widespread. 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 DEP in 1996. A multi-agency and community-based coalition, the Loxahatchee River Watershed Planning Committee was created to define and evaluate the status of the entire watershed and propose actions that would improve and protect the natural resources within the watershed. Obtain funding of \$3,295,000 for the Loxahatchee River Preservation Initiative. This funding will be matched with \$20,587,440 in local funds.

FY 2011 LRPI FUNDING REQUESTS			
Project Name	Grant Funding Request	Local Match	Estimated Project Cost
Loxahatchee River Water Quality & Biological Monitoring	\$120,000	\$120,000	\$240,000
Urban Stormwater Management System Rehabilitation-Phase V	\$200,000	\$200,000	\$400,000
Wild and Scenic River Corridor Exotic/Pest Plant Control – Phase IV	\$300,000	\$300,000	\$600,000
North Jupiter Flatwoods Restoration - Phase I	\$350,000	\$350,000	\$700,000
Loxahatchee River Neighborhood Sewering Project	\$325,000	\$1,791,000	\$2,116,000
Northwest Fork Tributary, Environmentally Sensitive Lands, Recreation, and Water Resource Acquisition Project-Phase I	\$2,000,000	\$17,826,440	\$19,826,440
TOTAL	\$3,295,000	\$20,587,440	\$23,882,440

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 the State's natural resources. It encompasses a wide range of goals including acquisition of conservation lands, restoration of environmental systems, water resource development and increased public access. Millions of acres of lands have been preserved under this 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.

Issue 1 – Address Pre-acquired Lands

The Florida Forever program was not funded by the Legislature in 2009 and only minimally funded in 2010.. This was a major setback to both state and local efforts to preserve the natural resources of the State. Particularly, the lack of Florida Forever funding has been a devastating setback to Palm Beach County which pre-acquired the Hatcher property prior to seeking reimbursement from the State. This purchase has been submitted for funding during the past two grant application cycles of the Florida Communities Trust (FCT). According to the existing rules, this acquisition may be ineligible for future grant cycles and therefore, the County would lose its opportunity for these grant funds. However, this year FCT is proposing an accelerated grant application cycle. The rankings for funding from this cycle will be the rankings used when and if funding for Florida Forever is once again appropriated by the legislature. Through the sheer luck of this accelerated application cycle, the County may be able to submit our application for a third time. The County supports rule changes that could, but currently do not, address pre-acquired properties and their eligibility in grant cycles when the State does not fund the program. Legislation should be sought to address pre-acquired

parcels. The County also supports efforts to fully fund the federal Land and Water Conservation Fund and to pursue rule changes or legislation that will allow funds from that source to assist with funding the debt service on bonds sold for Florida Forever.

Issue 2 – Prevent Changes in Ranking Process

Changes limiting dollars available per grant applicant and removal of criteria supporting conservation and restoration of natural lands are proposed. These changes to the way rankings are made would negatively affect Palm Beach County projects. Successfully negotiating these changes could protect millions of potential cost-sharing revenue dollars for the County.

Support the reinstatement of necessary appropriations to fully fund this nationally recognized land acquisition program, which will allow the County to apply for State matching funds through Florida Forever Grant programs for land acquisitions that are eligible for the funds. This will leverage our local government acquisition dollars.

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 and Kissimmee River Basin. 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 & 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. In 2009, the funding level was reduced to \$2 million total statewide. In 2010, no funding was provided.

CONSERVATION AND ALTERNATIVE WATER SUPPLY DEVELOPMENT INCENTIVES

Florida's surface and ground waters have been impacted by drainage projects, urban infrastructure and consumptive uses of water. Much of this activity has been funded by taxes and user fees or financed with bonds lasting as long as 50 years. The water management districts have attempted to address these impacts by limiting traditional consumptive uses of water, requiring aggressive conservation, and mandating expensive alternative water supplies to meet existing and future water needs. However, until recently, little thought was given to the long-term economic consequences of this policy on public water consumption.

Reclaimed water is used by water management districts and water utilities alike to reduce the need for new or increased surface or ground water allocations, but has not been fully accounted for when projecting those demands. Acceptance of these non-traditional reuse options by utilities has often been hampered by the lack of a consistent mechanism in place to allow the utility supplying reclaimed water to claim a credit or offset for the reuse of reclaimed water. Consequently, utilities are reluctant to share their reclaimed water, concerned that it will not be available to meet future water demands within their service areas.

Under current law a consumptive permit can only be issued, modified or renewed for the amount of water required to meet a demonstrated need. With implementation of aggressive conservation plans and the downward trend in economic activity, many utilities today have capital infrastructure already in place that exceeds the demands projected for the remaining term of their consumptive use permit. If water management districts further reduce a utility's permitted allocation consistent with its decreased water need, this would strand a large portion of the utility's capital infrastructure. Later, should the economy rebound, those utilities located in resource restricted areas would need to develop expensive new alternative sources to meet

the renewed demand for water. The combination of stranded capital infrastructure and the premature development of alternative water supplies create an unnecessary economic burden, delaying Florida's economic recovery.

Support legislation that incentivizes the conservation of potable water supplies and reclaimed water through provision of credits to reclaimed providers that use reclaimed water to benefit environmental or water resources in a beneficial way and encourages conservation by allowing water users to preserve allocated water that was saved through conservation to meet future demands without fear that it will be lost to other, less efficient water uses.

SUSTAINABLE WATER USE PERMIT

Palm Beach County Water Utilities Department considers water use permitting for the integration of multiple water source types into public utility potable water supply systems as a critically important public issue. In a few current situations and likely in many future situations, public water supply utilities require or will require the use of water from multiple sources, including fresh groundwater, fresh surface water, brackish or saline groundwater, and seawater, to meet the potable water supply needs of the citizens of their service area. The use of water from multiple sources will typically result from the implementation of long-term, regional solutions to water supply problems which involve the construction and operation of water supply projects and are costly.

The term "sustainable water use" is used to mean the use of multiple surface and groundwater resources by a public water supply utility to achieve necessary resource protection, resource yield and supply reliability, with requisite treatment for compatible blending, delivered through an interconnected transmission system under a single regulatory scheme to meet public water supply demands under varying hydrologic conditions.

Support any legislation that would add a new section 373.2231 to Part II of Chapter 373, F.S. that would include provisions to address the issuance of a single permit to any utility that derives potable water from more than one source type (e.g. fresh surface water and fresh groundwater). The issuance of a single water use permit authorizing a utility to utilize and optimize water from multiple sources under a single permit, which in most cases would promote efficiencies and best management practices, reduce costs for utilities, and assure the ability of public water supply utilities to meet public water supply demands under varying hydrologic conditions and at all times.

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 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 2011 Legislative Session.

NUMERIC NUTRIENT CRITERIA RULEMAKING

The USEPA is positioned to implement new numeric nutrient criteria on Florida November 14, 2010. This new rule will impose new water quality criteria on lakes, canals and other water bodies in a well intended effort to improve the environment. The County's concern is that the new criteria are excessively stringent, even exceeding the federal limits required for treated drinking water.

These excessive criteria threaten the County's \$250 million investment in its reclaimed water system, which irrigates golf courses and green spaces countywide, and which conserves nearly 25 million gallons per day of freshwater. The nitrogen and phosphorus in the reclaimed water far exceed amounts allowed in the new rule. Even though some nutrients are absorbed by irrigated plants, lakes which store reclaimed water or which contribute to downstream runoff will not comply with the rule and will require additional treatment.

The only treatment technology available to meet these new criteria is Reverse Osmosis. This technology is extremely expensive and energy intensive; less costly treatment technologies will not remove the nutrients to the levels required. While the new criteria provide 18 months to be in compliance, planning and implementing large new treatment plants takes approximately five (5) years. Accordingly, the County would need to expend funds immediately upon implementation of the new rule, requiring us to raise rates. Furthermore the EPA and the Florida Department of Environmental Protection have stated that they have not even determined how to implement and enforce the new rule.

The County is concerned about the many unintended consequences that will result from the new rule. We believe the EPA should delay the rule until they know how implementation and enforcement would occur and how to resolve the unintended consequences. The County is not alone in asking the EPA for postponement. Their own Science Advisory Board concluded that the methods used to determine the new limits were seriously flawed and not scientifically defensible. Both of Florida's United States Senators, 23 members of the Florida's Congressional delegation, three (3) former Chiefs of the Florida Department of Environmental Protection, the Florida Association of Counties, Florida municipalities and homeowner associations, and scientific associations and organizations have petitioned the Environmental Protection Agency to delay implementation of the rule.

Support any legislative bills, amendments, or policies imposed on local governments in the form of numeric nutrient criteria that is supported by the best available science and achievable at a practical cost.

STATE PETROLEUM CLEANUP PROGRAM FULL FUNDING

There is currently a budget proposal in the Florida Fiscal Portal that would eliminate over \$6 million from the currently budgeted \$7 million allocated from the Inland Protection Trust Fund to pay for the County local program petroleum contamination cleanup programs. The contracted local programs provide supervision of state cleanup contractors working through the various petroleum contamination cleanup programs to conduct assessment and remediation of petroleum contamination within each County. In addition, the local programs provide enforcement and oversight for non-eligible contamination cleanups. This budget reduction would eliminate funding for local programs to supervise petroleum contamination cleanups in their counties.

The primary reason to continue funding local programs' supervision of petroleum contamination cleanups is efficiency. The ability to maintain on-site observation and supervision of the many phases of the cleanup process is key to conducting contamination cleanups in a timely and cost-effective manner. This close supervision cannot be conducted by FDEP from their offices in Tallahassee. Without the participation of the local programs, the contamination cleanup process will grind to a halt simply from lack of staff and the inability of remotely located staff to deal with the remediation process in a timely fashion. If the petroleum contamination cleanup process is discontinued, the threat to local drinking water supplies will increase significantly.

It should be noted that local programs have accounted for an estimated 75% of the total number of sites cleaned up. As of October 2010, that amounts to approximately 8,500 of the total 11,365 sites cleaned up. Palm Beach County staff has supervised cleanup of approximately 949 sites out of 1547 sites in Palm Beach County since 1988.

Encourage the FDEP to revise their budget to continue funding local program petroleum contamination cleanup programs and maintain funding of local programs for petroleum contamination cleanup.

PETROLEUM STORAGE TANK COMPLIANCE PROGRAM FULL FUNDING

The DEP proposes a \$6,400,000 reduction (from \$10,000,000) for the Storage Tank Compliance Verification Program in the state FY 2011-2012. The rationale behind this reduction is:

1. All petroleum systems are now double walled, requiring less frequent inspection periods.
2. The Florida Inspection Reporting of Storage Tanks (FIRST) system now in use allows a greater efficiency in time management.
3. The DEP will pick up the inspection workload which has been done by local programs.

The reality is:

1. The requirement for double walled storage tank systems began in 1992, with a final deadline in 2009. That was extended by the legislature until September, 2011. Meanwhile, the number of actual petroleum discharges discovered has increased over the past eight years even as the total number of double walled systems increased.
2. During the previous FY 2009-2010, the DEP performed a total of 687 inspections statewide. In that same time, Palm Beach County performed 1,448 inspections just within the county. It is inconceivable that the DEP alone can provide an acceptable level of compliance at their performance rate.

Encourage the legislature to fully fund the Storage Tank Compliance Program at the current \$10,000,000 to keep the Storage Tank Compliance Program as the first line of defense in protecting the State's surface and groundwater. This budget reduction would basically eliminate most of the local compliance programs, including Palm Beach County's.

FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM

Within the Department of Environmental Protection (DEP), the Division of Recreation and Parks administers the Florida Recreation Development Assistance Program. This program is a competitive grant program that provides financial assistance through grants to local governments for the acquisition and development of land for public outdoor recreation purposes. The maximum grant amount per development is \$200,000. Last year, the Village of Royal Palm Beach received \$200,000 for their Village Commons Park and was one of only two applications funded statewide. For FY 2010-2011, total statewide funding for FRDAP was \$300,000. In FY 2008-2009, funding was \$24 million and funded 212 projects in 54 counties. Restore FRDAP funding to FY08-09 levels.

PUBLIC SAFETY SUPPORT ISSUES - 2011

EMERGENCY PREPAREDNESS 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. A recent LCIR study suggests that changes in the insurance industry since the 1994 inception of the surcharge may be responsible for unintended "loopholes" in surcharge assessments. 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. Support an examination into methods to correct the deficiencies in surcharge collection and apply the surcharge to the number of units or parcels included for coverage in a commercial or residential insurance policy.

Prior to 2003, proceeds from the EMPA trust fund were distributed based on a fixed allocation formula in the statute and authorized each year by the Legislature. Since then, the annual appropriation level for Base Grants to County Emergency management Programs have equaled \$7.1 million annually, a historical level representing approximately 51 percent of the trust fund annual proceeds. Support maintaining this funding level as the minimum allocation for County Base Grants.

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.

FIRE RESCUE SALES SURTAX GLITCH

During the 2009 Session, the Emergency Fire Rescue Services and Facilities Surtax Act was passed by the Legislature. In order to implement the provisions of the Act, several clarifications were needed. Support legislation that would provide the following changes to current law:

- The addition of a sentence that specifies that the term "emergency fire rescue services" as used in the surtax statute does not include volunteer fire department services.
- A statement that any surtax (all of which are subject to original approval by referendum) must be reauthorized by referendum at least once every 10 years.
- Clarification that a Municipal Services Taxing Unit is eligible to receive surtax proceeds under the distribution formulas in the act.

- Clarify provisions requiring that participating jurisdictions reduce either taxes or other revenues by the amount of the surtax
- Include provisions that protect community redevelopment agencies from loss of revenue as a result of imposition of the surtax.
- Change in the date surtax collections will be initiated after approval from January 1 to October 1 to ensure the surtax will not provide a windfall to participating governments.

JUVENILE JUSTICE

In 2007, then-Governor Charlie Crist authorized the creation of the Blueprint Commission on Juvenile Justice. The Commission was charged with determining improvements to the Juvenile Justice system that would reduce the number of youth involved with the system and improve Florida's overall public safety. Palm Beach County supports several of the measures recommended by the Blueprint Commission, especially those dealing with juvenile record expungement.

As written in the Commission's report, Palm Beach County supports efforts to ensure youth have opportunities to gain meaningful employment and other opportunities afforded them; therefore, it is recommended that Florida Statute Chapters 119 and 943 be amended to require the Florida Department of Law Enforcement (FDLE), the courts, local law enforcement, and other agencies to seal, make confidential, and prohibit availability to the public, juvenile arrest records when no charges have been filed.

Furthermore, we support legislation that would allow for juvenile arrest records of first time nonviolent offenders to remain confidential and not available for sale or disclosure by FDLE or any other government agency so long as the juvenile remains crime free. Florida law should be amended to protect the confidentiality of those juvenile arrest records, while allowing law enforcement and prosecutors access to such information.

Alternatives to Detention

Palm Beach County supports financial incentives for developing local alternative programming to divert youth from secure detention. Support legislation requiring the State to develop a fair funding policy to ensure Palm Beach County benefits from expending the funds to develop community-based alternatives to detention and residential commitment.

EDUCATION LEGISLATIVE SUPPORT ISSUES – 2011

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.

For every \$1.00 invested in public libraries, the return on investment is \$8.32, Gross Regional Product (the value of all goods and services produced in the state) increases by \$10.57, and income (wages) increases by \$22.97. For every \$3,491 spent on public libraries from public funding sources in Florida, one job (in the economy, not just in libraries) is created.

State Aid

During the current economic environment, libraries play an increasingly important role to the residents of the counties not only to check out books and videos, but also to use the libraries' computers for job searches, access to the internet to get government services, resume writing and even as a replacement for home internet access. In addition, attendance at free library programs for both youths and adults has also increased and some people have related that rather than send their children to summer camps they utilize the library instead. In order to avoid further deterioration in library funding, amend Florida Statutes to restore funds for State Aid to Public Library Grants from the current \$21.25 million to the 2001 level of \$33.4 million.

F.S. 257.195 would be amended to read:

In the event of revenue shortfalls which necessitate budget reductions during any fiscal year, the total appropriation for library grants from state sources shall have the same ratable reduction as that applied to the operating funds of the Division of Library and Information Services or such reduction shall be at the discretion of the Secretary of State. As a benchmark, minimum funding levels for State Aid to Public Libraries shall not be less than FY2010 funding of \$21.25 million, and the Legislature and Secretary of State are encouraged to restore funds to the FY2001 State Aid level of \$33.4 million.

Public Library Construction Grant Program

Funding should be allocated to support funding of all Department of State approved Library Construction Grant applications (21 projects) of up to the statutory limit of \$500,000 for a total of \$10.5 million. The Acreage Branch is Palm Beach County's only project on the list and would require the state to fund at least \$9 million in statewide allocations to be funded. This is the only governmental funding source other than local funds as federal construction has been discontinued.

Suggested Proviso Language for Public Library Construction:

Any library project that is on the Department of State approved list, exceeds a project total cost of \$8,000,000 and is ready for construction on or before June 1, 2011 shall be eligible to receive up to \$500,000.

*Note: criteria included in the above are met by the following projects on the approved list:

#2 City of Pensacola – Downtown Library - \$8,106,500; #5 Palm Beach County – Acreage Branch - \$12,486,000; #11 City of Boca Raton – Boca Raton Downtown Library - \$12,820,000; #14 Ft. Myers Beach Public Library District – Ft. Myers Beach Library - \$8,637,040

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 10-11, total funding was at \$1,200,000, the same amount as last year, but a \$300,000 reduction from the previous year's funding.

SIGNAGE AT PUBLIC SCHOOLS

Currently, Legislation passed allows the School Board of Palm Beach County to place signage at certain school properties that would otherwise be prohibited under local zoning codes in an effort to preserve limited funding streams for education needs.

Support legislation that would extend the current state program that allows the Palm Beach County school boards to continue with the current signage program.

ELIMINATION OF SCHOOL READINESS WAIT LIST

Support appropriation requests that would eliminate the School Readiness wait list in Palm Beach County and provide additional administrative flexibility for both public and private program providers. The School Readiness program provides subsidized child care funds to at-risk children, children from families receiving temporary cash assistance or just transitioned from receiving temporary cash assistance, and the working poor. The first two categories are legislatively mandated to receive funding. The last category of funding is dispersed at the discretion of the local Early Learning Coalitions. Approximately every \$1 invested in subsidized childcare for the working poor earns \$16.67 in federal and state dollars, yet there is a constant wait list for families who need these services. Typically, these families are living on minimum wage incomes. Without subsidized childcare, these families would need more subsidized programs at a greater expense to taxpayers.

HEALTH CARE LEGISLATIVE SUPPORT ISSUES - 2011

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.

Legislation should amend Florida Statutes to "require certain eye examinations for all infants born in hospitals in the state and providing that coverage for children under health insurance policies and health maintenance organizations must include certain eye examinations for infants and children."

TRAUMATIC BRAIN INJURIES (TBI)

For people with traumatic brain injuries, day-to-day life is challenging as the injuries often mimic mental illness and/or mental retardation. Lack of impulse control can often lead to run-ins with law enforcement and the criminal justice system, a system unprepared to deal with such issues. Because of a severe lack in rehabilitation resources, patients are often cared for at home by their families or caregivers. Unsupervised, the patients can get into trouble due to the nature of their illness.

Unlike people with mental illness or mental retardation, TBI patients are not protected by the courts. Judges do not have the ability to sentence a TBI patient to a rehabilitation center or a state hospital for services. Currently, Florida Statutes do not recognize traumatic brain injuries. This ties the hands of the judge who is forced to sentence the patient to jail, if appropriate. Rather than releasing them to a much-needed service, these patients are released to their families and are back out in the community without rehabilitation.

Florida laws do not account for TBI as a "mental illness" or "mental retardation," or an Access 1 Disease. States such as Mississippi require their State Department of Education to include TBI as an intellectual disability; however, Florida does not.

Support legislation that amends F.S. 916.106 (13) for Mental Illness and 393.063 (31) for Mental Retardation so the courts can sentence TBI patients who are arrested to facilities that are equipped to deal with them.

LOCAL BILLS - 2011

REPEAL OF CHAPTER 59-1699

Palm Beach County requests that Chapter 59-1699, House Bill No. 1997 related to AN ACT defining "Salt Water Fish", "Spear Fishing", "Salt Waters", and "Underwater Breathing Apparatus" and setting aside certain portions of the salt waters in Palm Beach County as a refuge for salt water fish, etc..." be repealed.

Chapter 59-1699 is no longer relevant to Palm Beach County. Furthermore, Section 2 of this law describes one of the refuge areas as "Area No. 2" and the last sentence of that description contains offensive language referring to an area of exposed reefs in the County.

Palm Beach County requests that the Legislature pass a local bill allowing for the repeal of Chapter 59-1699. In addition to the irrelevancy of the law, local and state governments continue to find and remove such offensive language in Florida's laws.

SOUTH LAKE WORTH INLET DISTRICT

Repeal Chapter 96-466 regarding the South Lake Worth inlet District in Palm Beach County. The District was originally created in 1915 to construct and maintain an inlet to connect the waters of the Lake Worth and the Atlantic Ocean. Its mission was to "advise the Board of County Commissioners on improvements, operations, maintenance & enhancement of the inlet and adjacent property, assist in the development, coordination & public review of the Inlet Management Plan"

Since management of the Inlet was transferred from the District to the County in 1996, restoration and enhancement of the inlet structures, the sand transfer plant and the adjacent park were approved, funded and are now nearing completion. The Inlet Management Plan was developed and adopted by the state. With no other improvements anticipated, a lack of agenda items has resulted in cancellation of ½ of the scheduled Committee meetings.

The inlet having already been constructed and the maintenance of the inlet no longer requires the existence of a special taxing district. To that end, the Palm Beach County Board of County Commissioners recommends the repeal of the existing South Lake Worth Inlet District.

PALM BEACH COUNTY SHERIFF CAREER SERVICE LEGISLATION

Revise Chapter 2004-404 relating to employees of the Palm Beach County Sheriff to create additional budgetary flexibility to the Sheriff and Board of County Commissioners. In 2004, revisions were made to the special act which governs some of the benefits of Palm Beach County Sheriff's Career Service employees. Specifically, the legislation revised language to read "no existing employer-paid benefits and emoluments to all certified and non-certified employees of the Sheriff with regard to the pay plan, longevity plan, tuition-reimbursement plan, career-path program, health insurance, life insurance, and disability benefits may be reduced except in the case of exigent operation necessity." This change has made it virtually impossible for the Sheriff in Palm Beach County to make any adjustment to the above listed benefits without some type of declaration of exigent operational necessity. Palm Beach County recommends amending existing local law to provide additional flexibility when local economic conditions require a need to reduce certain benefits for some employees of the Palm Beach County Sheriff's Office.