

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: October 18, 2011

☐ Consent ☒ Regular
☐ Public Hearing

Department: Legislative Affairs

Submitted By: Legislative Affairs

Submitted For: Legislative Affairs

I. EXECUTIVE BRIEF

Motion and Title: Staff requests Board direction on FY2012 Legislative Program.

Summary: Staff requests the Board's review of the draft FY2012 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 during the upcoming Legislative Session. Countywide (DW)

Background and Policy Issues: Each year, the Board of County Commissioners adopts a program of legislative and appropriation priorities for the upcoming State Legislative Session. The legislative program will be reviewed at a meeting with the Legislative Delegation prior to the start of the FY2012 Legislative Session. Input from the legislators will help us identify sponsors for bills and funding requests. Input also helps evaluate the feasibility of gaining legislative approval of issues and appropriations. The meeting with the Legislative Delegation will occur on November 21, 2011. The Legislative Session begins on January 10, 2012.

Attachments:

1. Proposed 2012 State Legislative Program

Recommended by: [Signature] 9/30/11
Department Director Date

Approved By: [Signature] 9/30/11
County Administration Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: N/A

Fiscal Years	<u>20 12</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>-0-</u> ^{* See below}	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Department _____ Unit _____
 Object _____ Reporting Category _____

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

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

* There is no fiscal impact on this item.

[Signature] 10/12/11
 OFMB ^{NA}
 10/13/11 9/12/11

[Signature] 10/13/11
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature] 10/13/11
 Assistant County Attorney

C. Other Department Review:

 Department Director



2012

Palm Beach County State Legislative Issues



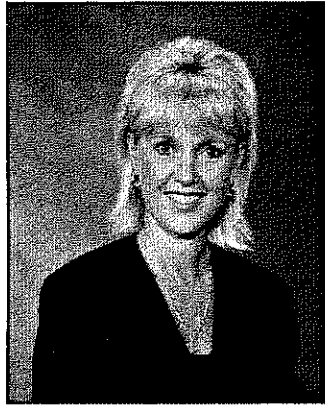
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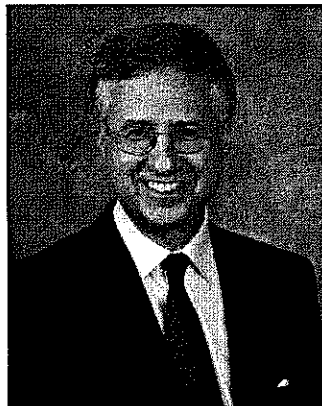
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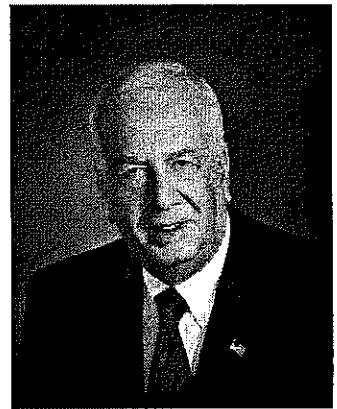
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ECONOMIC DEVELOPMENT

LEGISLATIVE PRIORITIES

GLADES REGIONAL INITIATIVES

In an effort to provide economic growth and stimulus to the region surrounding Lake Okeechobee, Palm Beach County 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
- Torrey Island Master Plan funding of \$75,000 for the redevelopment of this site into a marine resort focused on the ecotourism market
- 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 construction of an inland port terminal and associated distribution/warehouse space would ease congestion at the existing Port of Palm Beach. 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. The Tri-Cities region was highlighted in a FDOT study as an optimal location for an inland port 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.

EXPANSION OF GAMBLING AT PARI-MUTUEL FACILITIES

In 2004, voters of the state passed an amendment that paved the way for expansion of gambling at pari-mutuel facilities in Broward and Miami-Dade Counties. Since that time, gambling facilities at several locations throughout the state have been allowed to expand their operations. The ability for these facilities to expand their operation has placed Palm Beach County pari-mutuels at an unfair competitive disadvantage. Proposed gaming legislation may prevent Palm Beach facilities from being able to expand gaming to compete with existing and future gambling facilities in Miami-Dade and Broward County and could result in the demise of the Palm Beach Kennel Club, a local business that employs 624 people and attracts over 750,000 people a year. Oppose legislation that would place Palm Beach County pari-mutuel facilities at an unfair competitive disadvantage as it relates to the expansion of gambling in the state.

FILM AND TELEVISION INCENTIVE PROGRAM

During the 2011 legislative session, a cap was placed on the amount of overall tax credit funding that may be used for high impact television series. This cap has subsequently prevented at least three major television productions from coming to Florida to film, one here in Palm Beach County. Encourage the legislature to add additional film tax credit funding earmarked for high impact television series and/or eliminate the cap in funding place on high impact tv.

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

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. Although great strides have been taken to define funding responsibilities and revenue sources of the state and local government, there are still revisions that need to be addressed during the 2012 Legislative session. 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. The County supports 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 both the 2010/11 and 11/12 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; therefore, 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

GLADES UTILITY AUTHORITY WATER INFRASTRUCTURE IMPROVEMENT PROJECT

The cities of Belle Glade, Pahokee, and South Bay are able to provide adequate pressure during average daily flow and maximum daily flow conditions. However, all three cities have problems providing adequate pressure (minimum 20 psi) during maximum daily flow conditions as well as 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 pressure in the system to meet fire flow requirements, protecting the safety of the public and businesses within the Glades Communities. The Water Infrastructure Project will 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 \$2,710,400

The Lake Worth Lagoon estuary stretches 20 miles from North Palm Beach to Boynton Beach and has been subjected to pollution and habitat losses for decades. Palm Beach 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. 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. Since 2009, no State appropriations were received for this project.

LWL Funding Requests for Fiscal Year 2012-2013

FY 2012 /2013 LWL FUNDING REQUESTS				
	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
1	Palm Beach Living Shorelines	\$500,000	\$500,000	\$1,000,000
2	Monastery Artificial Reef	\$100,000	\$100,000	\$200,000
3	Grassy Flats Restoration	\$600,000	\$600,000	\$1,200,000
4	City of Lake Worth Bryant Park Living Shorelines	\$500,000	\$500,000	\$1,000,000
5	Town of Lantana Living Shorelines @ Bicentennial/Sportsman Parks	\$300,000	\$300,000	\$600,000
6	City of Lake Worth Old Bridge Park	\$250,000	\$250,000	\$500,000
7	Monitoring and Administration	\$460,400	\$460,400	\$920,800
	TOTAL	\$2,710,400	\$ 2,710,400	\$ 5,420,800

BEACH AND INLET MANAGEMENT PROJECT APPROPRIATIONS \$3,786,462

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 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 2012/13 Beach Erosion Control Program:

FY 2012 BEACHES FUNDING REQUESTS						
No.	Project Name	State Grant Funding Request	Federal Match	County Match	Municipal Match	Estimated Project Cost
1	Jupiter/Carlin Shore Protection	\$1,894,707	\$4,577,586	\$1,894,707	\$0	\$8,367,000
2	Juno Beach Shore Protection	\$150,000		\$150,000	\$0	\$300,000
3	South Lake Worth Inlet Mgmt	\$1,192,500		\$397,500	\$0	\$1,590,000
4	Ocean Ridge Shore Protection	\$164,703	\$383,594	\$164,703	\$0	\$713,000
5	Delray Beach Renourishment	\$40,652	\$104,871	\$29,734	\$10,917	\$186,174
6	Boca Raton North Beach Shore Protection	\$116,000		\$46,400	\$69,600	\$232,000
7	Boca Raton Central Beach Shore Protection	\$153,900		\$37,000	\$179,100	\$370,000
8	Boca Raton South Beach Shore Protection	\$74,000		\$52,,8000	\$137,200	\$264,000
	TOTAL	\$3,786,462.00	\$5,066,051.00	\$2,772,844.00	\$396,817.00	\$12,022,174.00

FRESHWATER LAKE RESTORATION \$2,075,000

Freshwater lakes within Palm Beach County include the Chain of Lakes system, covering 30 miles from West Palm Beach to Delray Beach to include five lakes: Pine, Clarke, Osborne, Eden and Ida, as well as a significant portion of the 730 square mile Lake Okeechobee. 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 40 acres of high quality wetlands, and dredging over 200,000 cubic yards of muck sediments. State funds will be utilized for construction of three new projects to provide wetland restoration, shoreline enhancements, nutrient removal, and stormwater management improvements. These projects are identified in the Chain of Lakes Management Plan. This funding will be matched with \$1,025,000 in local funds. In addition to the implementation of the Chain of Lakes Plan, there is a new focus on Lake Okeechobee including efforts to restore native wetlands habitat that would enhance fisheries and wildlife utilization as well as muck removal. This current State appropriations request includes \$1 million dollars used to make environmental improvements to the 640 acre Torry Island that lies within the southeastern portion of the Lake. Since 2009, no State appropriations were received for this project.

FLF Funding Requests for Fiscal Year 2012-2013

FY 2012/2013 COL FUNDING REQUESTS				
	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
1	Lake Osborne Crinum Island Restoration	\$220,000	\$220,000	\$440,000
2	Chain of Lakes Nutrient Reduction	\$750,000	\$750,000	\$1,500,000
3	Monitoring and Administration	\$105,000	\$105,000	\$210,000
4	Torry Island Wetlands Restoration	\$1,000,000	\$1,000,000	\$2,000,000
		\$2,075,000	\$2,075,000	\$4,150,000

ESTUARINE RESTORATION \$2,075,000

Palm Beach County includes nearly 270 miles of estuarine shoreline. Lake Worth Lagoon is the largest estuarine body of water but over 200 miles of estuaries remain that begin just south of Martin County down through Boca Raton. An Estuarine Enhancement Project Assessment Study was recently completed in January, 2011 that includes 56 potential projects including mangrove wetland and creation, rip rap shoreline stabilization, seagrass and oyster bed creation, hydrologic flushing improvements, upland hammock restoration and artificial reef projects. Similar to the Lake Worth Lagoon Plan, the 56 projects were evaluated and assigned priority designations. Three projects have been selected in our request to the State for funding that will require \$1,000,000 in State funds matched 50:50 with local funding.

Estuarine Funding Requests for Fiscal Year 2012-2013

FY 2012/2013 COL FUNDING REQUESTS				
	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
1	Juno Dunes Natural Area Mangrove Shoreline Restoration	\$400,000	\$400,000	\$800,000
2	Highland Beach Mangrove Shoreline Restoration	\$350,000	\$350,000	\$700,000
3	El Rio Mangrove Restoration	\$250,000	\$250,000	\$500,000
		\$1,000,000	\$1,000,000	\$2,000,000

SEPARATION OF STATE AND FEDERAL PERMITTING

Currently, the Florida Department of Environmental Protection relies on federal commenting agencies (i.e., U S Fish and Wildlife Service and the National Marine Fisheries Service) to determine whether a 'take' of a listed species is an otherwise permissible 'incidental take'. This greatly extends the time required to issue a state permit. Instead, when the state determines that a 'take' is an otherwise permissible 'incidental take', a state permit can be issued with a provision that work may not begin until the required federal permit is obtained. The result is no reduction in listed species protection while allowing applicants who have funding requirements, be they grant funds or creditors, to show permitting progress at the state level while waiting on the notoriously slow federal permitting process.

Amend Section 379.2431 is amended to read:

(1)(h) The department (DEP) shall recommend denial of a permit application if the activity would result in a "take" as defined in this subsection, unless, as provided for in the federal Endangered Species Act and its implementing regulations, such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. If applicable law requires that the Department act on a permit application, the department is authorized to issue authorizations pursuant to chapter 161, F.S., in advance of the issuance of any incidental take authorization as provided for in the Endangered Species Act and its implementing regulations. The authorizations shall include a condition requiring that authorized activities shall not commence until such incidental take authorization is issued and shall be consistent with such authorization as may be federally approved in its final form as represented in a permit from the U.S. Army, Corps of Engineers. The department shall unilaterally modify any permit or authorization issued pursuant to this section to make the permit or authorization consistent with the subsequently issued incidental take authorization. Such a unilateral modification does not create a point of entry for any applicant or substantially affected person to request administrative proceedings under ss. 120.569 and 120.57. Permits and authorizations issued under this subsection shall expire if incidental authorization is not obtained within five years.

SUPPORT FOR CHANGES TO DEPARTMENT OF ENVIRONMENTAL PROTECTION- BUREAU OF BEACH AND COASTAL SYSTEMS BEACH FUNDING AND PERMITTING

Background: A Beach Management Working Group, formed pursuant to proviso language contained in the General Appropriations Act for FY 2008-9, was directed to review the state's beach management program and make recommendations for improvements. While a few of the recommendations were subsequently implemented and recent rule clarifications represent a significant step in improving the Bureau's efficiency, additional changes are necessary to streamline a program that is vital to both the state and local economies.

Recommendation: Encourage additional state beach program streamlining.

- With the reduction in federal, state and local funding availability for shoreline protection projects, the state's grant program should be adjusted to focus on reimbursement for completed rather than anticipated work.
- Multiple-event permitting and regional standards for fill sand characteristics would significantly reduce the cost for beach and dune renourishment and sand bypassing projects.
- Eliminating redundancy in state and federal permit application review would reduce project costs, accelerate the permitting process and eliminate agency conflicts.

RENEWABLE ENERGY/ SOUTH FLORIDA CLIMATE CHANGE COMPACT

For the purposes of continued regional collaboration and joint advocacy with the Compact Counties of Broward, Palm Beach, Miami-Dade and Monroe, the Palm Beach County Board of County Commissioners renews support for the Southeast Florida Regional Climate Change Compact Counties Legislative Program.

2012 State Policies:

Adaptation Action Areas:

SUPPORT - greater incorporation of adaptation strategies in the development of state climate energy policies, legislation, and appropriations priorities.

SUPPORT - legislation which complements and enhances the utilization and implementation of Adaptation Action Area comprehensive plan designation in law for areas that experience coastal flooding and that are vulnerable to the related impacts of sea level rise.

SUPPORT - programs and efforts that provide technical assistance and funding to local governments to aid the integration of adaptation planning in local comprehensive plans.

Electric Generation Fuels:

OPPOSE - policies, legislation and incentives designed to facilitate the construction or expansion of coal-fired electric generation within the State of Florida as a strategy for "fuel diversity."

Energy Finance Options:

SUPPORT - energy finance options that provide both local and regional opportunities, including legislative action to allow local governments to access a portion of the State's Qualified Energy Conservation Bond allocation, in accordance with Department of Energy Guidelines.

Everglades:

SUPPORT - policies, legislation and funding that will provide for the complete implementation of the Comprehensive Everglades Restoration Plan as fundamental to Everglades Restoration, but also the vitality of local water resource management efforts given the overall contributions of the Everglades to regulated water storage and aquifer recharge which will become increasingly important under variable climate conditions and in the face of sea level rise.

SUPPORT - greater recognition of the role of Everglades Restoration in planning for economic and environmental sustainability, climate adaptation, including the impacts of sea level rise and extreme weather, such as droughts and floods.

Infrastructure:

SUPPORT - funding for adaptation planning and investments in the areas of water management, water supply, transportation and other projects that provide hazard mitigation and serve to reduce immediate and long-term risks to infrastructure.

Renewable Portfolio Standards:

SUPPORT - state policies that promote alternative energy use such as renewable energy portfolio standards for utilities and tax credits for homeowners installing small-scale renewable systems.

Transportation Investment Priorities:

SUPPORT - the recognition of areas identified as Adaptation Action Areas, or other areas subject to the impacts of sea level rise in the prioritization of future transportation infrastructure projects funding.

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.

Energy Efficiency:

SUPPORT - energy efficiency and renewable energy finance options to advance greenhouse gas emissions goals, alternative and renewable energy technologies, and green sector economic development.

SUPPORT - stringent energy efficiency and conservation targets set by the Florida Public Service Commission pursuant to the Florida Energy Efficiency & Conservation Act, as amended.

OPPOSE - policies and legislation designed to undermine energy efficiency and conservation targets contained within the Florida Energy Efficiency & Conservation Act, as amended.

SUPPORT ISSUES

LOXAHATCHEE RIVER INITIATIVE

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. Support efforts to continue to preservation of this pristine natural resource.

FLORIDA FOREVER AND EVERGLADES RESTORATION

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, only minimally funded in 2010, and received no funds again in 2011. 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 had been a 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 three 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, for the 2011

year FCT conducted an accelerated grant application cycle. The rankings for funding from the 2011 cycle will be used when and if funding for Florida Forever is once again appropriated by the legislature. The County was able to submit its application for a third time and preliminary scores put the project within the funding range of the FCT's \$17 million rollover dollars made available for this funding cycle. 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.

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. With approval of the Comprehensive Everglades Restoration Plan (CERP) in December 2000, the use of the water reservation tool by the State to protect water for the natural system was given heightened importance. The Water Resource Development Act of 2000 (WRDA 2000) requires the State to reserve or allocate water for the natural system as identified in a Project Implementation Report for each CERP project in order for the Federal Government to provide its 50 percent cost share to construct these projects. In May 2006, the FDEP successfully adopted Florida Administrative Code Rule 62-40.474 providing guidance to Water Management Districts concerning water reservations in the Water Resource Implementation Rule (Chapter 62-40, F.A.C.).

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 the FDEP to reserve water were filed in the 2003 legislative session. The bills were strongly opposed by the FDEP and statewide environmental organizations. Amended versions of the bills considered during the session would have retained the authority of the FDEP and districts to create reservations under various restrictions and caveats. The bills died in session.

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. Said reservoirs are an alternative water supply effort that would effectively reuse stormwater runoff.

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.

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 already has in place one of the most successful and effective conservation rate structures in Florida and recognizes that water conservation is unique to each local utility and should be addressed through a community’s water conservation plan. Any attempt to develop a statewide comprehensive water conservation program should provide the process and methodology for local utilities to develop specific “goal-based” water conservation programs, which are unique to their community.

Support legislative action that supports “goal-based” water conservation initiatives through permit incentives and the use of conservation best management practices developed by the utility industry, and further support legislative action which recognizes that it is the local utilities’ responsibility and right to establish rates and rate structures for provision of services.

ALTERNATIVE WATER SUPPLY FUNDING

In 2005, the State Legislature enacted the Water Protection & 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 funds were to be used to assist in funding alternative water supply construction costs

selected by each District's Governing Board for priority implementation. In 2008, funding from the Water Protection & Sustainability Program Trust Fund was reduced to \$7.7 Million state-wide. That was further reduced in 2009 to only \$2.2 Million. Since 2009, the funding level has been zero.

Support the restoration of full funding for the development of alternative water supply projects from the Water Protection & Sustainability Program in order to implement the development of capital alternative water supply projects. This is particularly important for utilities required by state law to eliminate the discharge of treated wastewater into coastal marine waters. It will assist them in implementing costly alternative water supply development such as implementation of wastewater reuse.

ASSAULT ON UTILITY WORKERS

During the 2011 Legislative Session, two Bills were filed; CS/SB 734 and HB 15. Both Bills died in the Legislature. Currently Florida Statutes provides for the reclassification of the misdemeanor or felony degree of specified assault and battery offenses when those offenses are knowingly committed against law enforcement officers, firefighters, and other specified persons engaged in the lawful performance of their duties. The effect of this reclassification is that the maximum penalty increases. The bills, as originally filed in 2011, would add utility workers, a term defined in the bill, to the list of specified persons. Therefore, the felony or misdemeanor degree of certain assault and battery offenses would be reclassified if committed against a utility worker engaged in the lawful performance of his or her duties in the same manner as if those offenses were committed against a law enforcement officer or firefighter engaged in the lawful performance of his or her duties. Palm Beach County Water Utilities Department has experienced an increase in incidents involving angry and disgruntled customers threatening employees. Since March 2010 through the same period for which data presently exists there have been 2 cases of aggravated assault, 4 cases of threats against utility workers, and 1 case of criminal intent with illegal tampering. All presently have active case files with the Palm Beach County Sheriff's Office.

Support any legislation that would reclassify certain assault and battery offenses committed against a utility worker engaged in the lawful performance of their duties in the same manner as if those offenses were committed against a law enforcement officer engaged in the lawful performance of their duties.

SUSTAINABLE WATER USE PERMIT AND INCENTIVES

Palm Beach County Water Utilities Department (PBCWUD) considers water use permitting for the integration of multiple water sources for public purposes a critically important public issue. Under current law a consumptive use permit can only be issued, modified, or renewed for the amount of water required to meet a permittee's demonstrated need. However, this need may not always match the constructed infrastructure to meet that need. Supplemental to meeting resource demands, the implementation of aggressive conservation plans and the downward trend in the economy can lead to capital infrastructure

investments that exceed current demands projected in a consumptive use permit, but not the authorized allocation. If a water management district was then to reduce the permitted allocation consistent with the decreased water need, this would strand a large portion of the capital infrastructure investment. Should the economy then begin to regain some of its previous momentum (that which was planned for as a part of the original allocation) those utilities located in resource restricted areas (about one-half of the state south of State Road 50), would have to develop expensive new alternative water supply sources to meet the renewed demand for water. Furthermore, the combination of stranded capital infrastructure and the premature development of alternative water supplies will create an unnecessary economic burden, which could impede or delay Florida's economic recovery. By extending the effective date of the consumptive use permit and allowing for the issuance of a single water use permit, which authorizes a utility to utilize and optimize water from multiple sources under a single permit will, in most cases, 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.

Support any legislation that would include provisions to address the issuance of a single consumptive use permit by an applicant that derives its water from more than one source, thereby promoting efficiency and best management practices, reducing costs, and assuring the ability of applicants to meet their water supply demands under varying hydrologic conditions and at all times.

Support any legislation that would incentivize the conservation of potable water supplies (e.g. extended consumptive use permit duration, use of multiple sources to meet demands, preservation of allocated water supply, etc.), and the use of reclaimed water (e.g. credits benefitting environmental or water resources protection).

NON-POTABLE WATER REUSE PREFERENCE

During the 2008 Legislative 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 Florida Department of Environmental Protection (FDEP) to evaluate reclaimed water issues with key stakeholders and come back with recommendations for subsequent Legislative consideration and action. Palm Beach County Water Utilities Department has served on that stakeholder work group along with the FDEP and the water management districts. Although legislation was developed for introduction last year, it was not formally introduced or considered by the full Legislature, but is expected to resurface again during the 2012 Legislative Session.

Support legislation that would recognize reclaimed water as a commodity not subject to direct regulation under the consumptive use process. Reclaimed water is the preferred water source for non-potable water

uses where it is economically, technically, and environmentally feasible and reclaimed water providers should be assigned surface and groundwater offsets and credits for the expansion of their reuse systems.

NUMERIC NUTRIENT CRITERIA RULEMAKING

Reuse water cannot meet the criteria for Nitrogen or Phosphorous limitations being considered in EPA's proposed Numeric Nutrient Criteria for Florida without becoming economically unfeasible to produce and use it. Water reuse provides nutrients to the ground, which are otherwise provided by fertilizers, and it is not subject to runoff as long as a buffer is maintained between reuse application and storm water drainage or water bodies. The FDEP and the water management districts have long supported reuse as a key alternative water resource that needs to be expanded, especially to offset drought limitations and in areas where ocean outfalls are being restricted. The State has approved a long-term management plan for reuse water that will provide the means to assure that reuse water can continue to be used as an important use to further minimize the stress on traditional water sources.

Support legislation that would implement water quality protections in Florida that are based in sound science and produce reasonable environmental and water resource cost-benefits. While the EPA is finalizing the numeric nutrient criteria rule, the FDEP will either develop their own numeric nutrient rule during the interim or be delegated the authority for implementing the new federal rule criteria. In the event that a federal rule is enacted, the legislature should either: (a) direct the FDEP to work with utilities and the EPA to develop a long-term implementation and management plan for the use of reuse water, which, when completed would be "presumed" to meet the numeric nutrient criteria; or (b) exempt reuse systems from federal or state rule consideration by statute.

STATE PETROLEUM CLEANUP PROGRAM FULL FUNDING

Palm Beach County's local petroleum cleanup program provides supervision of state contractors conducting assessment and remediation of petroleum contamination within the County. In addition, Palm Beach County's local program provides enforcement and oversight for non-eligible contamination cleanups. Any budget reduction may result in existing underground contamination migrating and posing a threat to drinking water supplies.

Recommendation: Encourage the FDEP to maintain present funding to the Palm Beach County local cleanup program.

The primary reason to continue funding Palm Beach County's local program is the that contamination cleanups in Palm Beach County are overseen by an experienced local program staff who know the geological formations of Palm Beach County. The ability to maintain on-site observation and supervision of the many phases of the cleanup process is essential to conducting contamination cleanups in a timely and cost-effective manner. Palm Beach County has three licensed professional geologists and a specialized site

technician who regularly visit contaminated sites and monitor the status of the remediation equipment. Without the participation of Palm Beach County the contamination cleanup process cease. 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 December 2009, that amounts to approximately 8,700 of the total 11,567 sites cleaned up. Palm Beach County staff has supervised cleanup of approximately 50 sites per year since 1988.

MAINTAIN PETROLEUM STORAGE TANK COMPLIANCE LOCAL PROGRAM FUNDING

Since 1988 the Palm Beach County Department of Environmental Resources Management (ERM) has contracted with the DEP to administer the Petroleum Storage Tank Compliance Verification Program. In Palm Beach County there are 2,826 regulated petroleum storage tanks located at 1,320 registered facilities. During FY 2011-2012, the state reduced DEP's Petroleum Storage Tank Compliance Verification Program budget from \$10,000,000 to \$7,000,000. Statewide, this reduction decreased the number of registered facilities being inspected annually from nearly 100% to 60%. The rationale behind the reduction was that all petroleum storage tank systems are now double walled and less likely to leak, therefore require less frequent inspection periods.

The reality is:

1. The requirement for double walled storage tank systems began in 1992, and nearly half of the double-walled petroleum storage tank systems in PBC are now more than 10 years old.
2. Historical inspection records show that as petroleum storage tank systems age equipment failures and maintenance issues occur more frequently. These issues are only discovered by regular the site inspection.
3. Reduced inspection frequencies will increase the chances for petroleum discharges as equipment failures and maintenance issues persist for longer periods before being discovered by inspectors.
4. Over the past 8 years the number of reported petroleum discharges has increased even as the total number of double walled storage tank systems has increased.
5. Reduced inspection frequencies will decrease compliance rates and increase the amount of facilities requiring enforcement at a time when DEP and local program staff is being reduced.

Encourage the legislature to fully fund the Storage Tank Compliance Verification Program at least at the current \$7,000,000 level (60% annual inspection rate), or preferably, restore funding to the \$10,000,000 level, resulting in 100% annual inspection rate.

Keeping the Storage Tank Compliance Program provides the first line of defense for protecting the State's drinking water supplies. Also, early detection of leaks prevents costly clean-up efforts by the landowner.

FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM

Within the Department of Environmental Protection, 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.

Due to economic shortfalls, the FRDAP was not allocated any funding during this past Legislative Session, and therefore any local projects listed under the 2011-2012 FRDAP Combined Applicant Priority List were not afforded any FRDAP grants. For FY 2010-2011, total statewide funding for FRDAP was \$300,000 and the Village of Royal Palm Beach received \$200,000 for their Village Commons Park, one of only two applications funded statewide. In FY 2008-2009, funding was \$24 million and funded 212 projects in 54 counties. Restore FRDAP funding to FY08-09 levels.

TRANSPORTATION & INFRASTRUCTURE

LEGISLATIVE PRIORITIES

GROWTH MANAGEMENT AND INFRASTRUCTURE

During the 2011 legislative session, two significant bills passed that affect state growth management laws. The first overhauls the state's growth management laws, while the second eliminates the Department of Community Affairs.

HB 7207 represents the most significant change to the state's growth management laws in the last 25 years. Some of the most significant changes for county governments include:

- 1) Requiring all local governments to process plan amendments under the "Expedited Review Process" where the State agencies can only comment on state resources under their respective jurisdictions
- 2) Elimination of transportation, schools, and parks and recreation concurrency as a state requirement but allows local governments to retain these by local option;
- 3) Eliminates the twice per year limit on Comprehensive plan amendments;

Any new revisions to growth management laws should take careful consideration of and protect the distinct home rule authority of local governments. **Support** the Development of Regional Impact program as a process for ensuring large-scale development projects that affect more than one jurisdiction receive a heightened level of review. **Support** changes that 1) strengthen the intergovernmental review process of DRIs, 2) ensure that the development impacts occurring outside the approving jurisdiction are adequately mitigated, 3) eliminate unnecessary duplication and expenses, and 4) enhance the role of Regional Planning

Councils (RPCs). Efforts to strengthen intergovernmental coordination should be considered so that land use decisions of one jurisdiction do not negatively impact another.

Additionally, current law requires "proportionate share" payments only for the first project to take a road segment from under capacity to an over capacity situation. Amend state law to require any project impacting an over capacity road to contribute an amount equal to their impact/use of the capacity they are absorbing.

AGRICULTURAL LAND ACKNOWLEDGEMENT ACT REVISIONS

Legislation passed during the 2011 session known as the Agricultural Land Acknowledgement Act. The state goal of this revision to s.163.3163 was to reduce regulations and make government more business friendly. This Act has done just the opposite by creating an expanded bureaucracy for applicants for development orders and building permits. Palm Beach County recommends amending the language so that a one-time, up front recorded notice for the entire project would be required, rather than with each permit. In addition, lessen the burdensome requirements for lengthy property legal descriptions by developers who submit permits. Further, make additional changes regarding which types of permits are subject to the act.

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY/TRI-RAIL

The South Florida Regional Transportation Authority's (SFRTA) governing board is comprised of nine members, including three citizen members, one appointed by Broward, Miami-Dade, and Palm Beach County Commissions. The Board opposes legislation that weakens the three counties' home rule powers by eliminating each County Commission's ability to appoint local, citizen members to the SFRTA. In addition, the Board opposes gubernatorial appointments to the SFRTA from outside the tri-county area. The Board further opposes any effort to weaken the SFRTA's independent exercise of statutory powers, especially as they relate to governance and/or operations.

The Board opposes any legislation that grants to the Florida Department of Transportation (FDOT), or any other state agency: (1) control over any county funds appropriated by the three County Commissioners pursuant to Section 343.52, Florida Statutes, for the SFRTA's capital and operational needs; or (2) the power to determine how much county funds are allocated. Additionally, the Board opposes any efforts by the state to stop funding Tri-Rail.

AMTRAK SERVICE ON THE FEC CORRIDOR

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, 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 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. Continue to support \$118 million in State allocated funds in the DOT work plan for this transit project.

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 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's 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 has the largest fiber optic network, with an estimated 350 miles of FDOT sponsored fiber optic cable already in the ground.

DMV FACILITY SERVICE/MOUNTS BOTANICAL GARDENS

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 agricultural community. Under this plan, the current site of the DMV office would become an integral part of the future Education Center.

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

REGIONAL JUVENILE DETENTION CENTER/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 Florida Statute Chapter 985 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 \$25.8 million

Capital Improvement Plan request for the design and building of a new complex that would house both the new Juvenile Assessment Center and Juvenile Detention Center. The initial \$400,000 request is for the planning stage of the Capital Improvement Plan.

The current West Palm Beach Regional Juvenile Detention Center is 30 years old. According to the DJJ Capital Improvement Program budget request, it is:

“overcrowded, operated 24 hours per day and is experiencing system flaws and inadequacies due to age and original Heating Ventilation and Air Conditioning (HVAC) under-design. Odor problems are endemic of HVAC system requiring massive upgrade. Electrical system is over capacity and old. Entire roof needs replacement and general state of facility is a hazard.”

DJJ has made this replacement project one of its top funding priorities. Furthermore, because of the condition of the current facility, DJJ has requested more than \$1.5 million for repairs over the next four years, including \$541,500 for FY2012/2013. It is imperative that the current facility be replaced as repair costs will only continue to increase.

The Juvenile Assessment Center was originally created to reduce law enforcement time spent 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. Housing the detention center and the JAC on the same campus will improve efficiency.

ADJUSTMENT TO THE STATE/COUNTY SHARED DETENTION CENTER COST SPLIT

Florida Statute Section 985.686 requires counties to contribute funds to the state to cover the cost of youth detained in secure detention for those stays when a youth is not committed to the department, i.e., a youth awaiting disposition of charges. The current utilization rate split is 73% County funds and 27% state funds. The DJJ has requested that the State increase its General Revenue contributions and decrease the Shared County/State Juvenile Detention Trust Fund to align the budget to more closely reflect the current utilization split, or a \$2.7 million recurring General Revenue contribution. This request would make the contributions equal detention use.

PRE-TRIAL RELEASE

In 2011, HB 1379 and SB 372 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 \$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.

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:

Adult Post-incarceration Drug Courts

Authorize the Florida Parole Commission to permit incarcerated drug-involved offenders who have served at least 60 percent of their original prison sentence to complete the remaining portion of their term as a participant in a community-based drug court program.

Veterans Courts

Continue to support efforts to develop and expand the use of Veterans Courts similar to the one in Palm Beach County. Support legislation which would give veterans found to have committed criminal offenses that allege offenses resulted from posttraumatic stress disorder, traumatic brain injury, substance use disorder, or psychological problems from service in a combat theater in the U.S. military, a hearing on the issue before sentencing. Currently, these are SB138 by Senator Bennett and HB117 by Representative Nelson.

REGAIN LOCAL ABILITY FOR LIMITED GUN REGULATION

During the 2011 Legislative Session, HB 45 was enacted which created stiff financial penalties for counties and elected officials that pass local ordinances and administrative rules that regulate firearms or ammunition. These fines range from \$5,000.00 for individuals to \$100,000.00 for repayment of attorneys' fees. In addition to financial penalties, employees acting in an official capacity that knowingly violates these provisions can be terminated immediately. The two exceptions to this new law are ordinances or rules that enact waiting periods or criminal background checks.

Palm Beach County opposes Chapter 2011-109 Laws of Florida on the grounds that it violates the County's Home Rule Authority. The County had four ordinances and two resolutions related to gun control that had to be either amended or removed from the books due to the new law. The local ordinances and resolutions related to gun possession in family daycares, sale or possession of firearms during declared emergencies, locations where weapon discharging was permissible, records and holding periods of firearms by secondhand dealers (pawn shops), and forbidding the use of firearms in natural areas. The County continues to maintain the position that it should be able to pass ordinances or local rules that it believes are in the best interest of its citizens and visitors without interference from the Legislature.

LIFEGUARD CERTIFICATION AND TRAINING

Coastal/open water lifeguards are employed by local governments around the state to provide effective injury prevention and emergency medical/rescue services. In emergency circumstances, pre-hospital medical care at Florida's public bathing places is necessary. In an effort to ensure minimum standards for rescue and pre-hospital medical care with transport providers, Palm Beach County supports legislative action and rule that would license and/or certify coastal/open water lifeguard agencies as BLS non-transport agencies and/or certify these agencies under the United States Lifesaving Association - Agency Certification program.

GOOD SAMARITAN LEGISLATION

The Violent Crimes Division and the Narcotics Division of the Palm Beach Sheriff's 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 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. For the 2012 Session, Senator Sachs has filed SB 278 and Representative Bernard has filed HB 125 in support of this issue.

ANIMAL CARE AND CONTROL LEGISLATION

There have been several incidences of individuals who have hidden animals from authorities after those animals have seriously injured either a person or another person's animal. Amend Florida statute 767.12 and 767.13:

FS 767.12

(8) Any animal that is the subject of a dangerous dog investigation shall not be concealed or hidden from the animal control authority. If the owner conceals the animal, hides it, moves it without proper notification and authorization, keeps it from the animal control authority or fails to surrender it for holding by the animal control authority after violation of this section, the owner is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

FSS 767.13

If a dog that has been previously declared dangerous is not surrendered to the animal control authority or is hidden, concealed or moved in an attempt to keep it from the animal control authority, the owner is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

SUPPORT ISSUES

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 was administered by the Florida Department of Community Affairs (DCA), but as of October 1, 2011, it is now placed under the oversight of the Executive Office of the Governor. 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 levels for base grants to county emergency management programs have equaled \$7.1 million annually, a historical level representing approximately 51 percent of the annual trust fund proceeds. Support maintaining this funding level as the minimum allocation for County Base Grants.

FIREWORK SAFETY LOCAL ORDINANCES

In any given year, approximately 5000 incidents/complaints regarding fireworks are filed with Palm Beach County law enforcement agencies. In previous years, the fireworks industry unsuccessfully attempted to amend law that would have preempted the regulation of fireworks for local ordinances.

During the 2007 session, SB 1372 created the Consumer Fireworks Task Force to study and evaluate issues relating to fireworks. These issues included: proper use of consumer fireworks, regulation of sales and temporary sale facilities for fireworks, regulation of operating hours, and funding options for fire official training and education. Palm Beach County's local ordinance currently allows the ability to impose restricted use of fireworks in drought conditions and requires an inspection of 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.

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.

Civil Citation Program Expansion

The Legislature should expand the Civil Citation program by amending s.1006.13(1), F.S., to require Civil Citations be used for all school-based misdemeanor arrests and forbid the arrest of misdemeanants on school grounds. This recommendation is also supported by Florida TaxWatch and the Southern Poverty Law Center.

Civil citation programs allow juveniles who have committed a misdemeanor to complete community service hours or participate in intervention programs as an alternative to being arrested and taken into custody by the Department of Juvenile Justice (DJJ). The program is implemented at the local level in coordination with the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved. The 2010 Legislature passed House Bill 997 to require that juvenile civil citation programs be established at the local level. Authorized by s.985.301, F.S., the program allows —any law enforcement officer, upon making contact with a juvenile who admits having committed a misdemeanor [to] issue a civil citation assessing not more than 50 community service hours, and may require participation in intervention services appropriate to identify the needs of the juvenile.

Based on recent data, approximately 11,492 students were arrested in school for misdemeanors. The cost saving per civil citation would be \$4,614 according to a recent study by Florida Juvenile Justice Foundation. The annual cost savings of forbidding the arrest of misdemeanants on school grounds and instead using Civil Citation programs is estimated to range from \$16.9 million to \$53 million. Given the estimated short-term annual savings of \$16.9 to \$53 million, Civil Citation programs should be implemented throughout the state. Keeping juveniles away from prisons will also generate long-term economic benefits in the form of increased output and employment.

The latest data for Palm Beach County shows that the Palm Beach School District referred 738 arrests to DJJ, 449 of those were misdemeanors.

Improvements to Educational Services in Juvenile Justice Programs

Support legislation and policies that ensure children's educational needs are being met while they are residing in juvenile justice residential or detention centers.

Section 1003.52(1), Florida Statutes, states "the Legislature found that education is the single most important factor in the rehabilitation of adjudicated delinquent youth in the custody of Department of Juvenile Justice

(DJJ) programs." It is the goal of the Legislature that youth in the juvenile justice system are afforded the opportunity to obtain a high quality education.

HEALTH & HUMAN SERVICES AND HEALTHCARE

LEGISLATIVE PRIORITIES

TRANSPORTATION DISADVANTAGED PROGRAMS

In 2012, the State of Florida will provide Palm Beach County with \$2,135,024 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 - \$237,224). Palm Beach County supports attempts to maintain funding to the TD program and to prevent diversion of these dollars for other purposes.

HOMELESSNESS

Affordable Housing

Palm Beach County supports efforts to ensure that funds within the Sadowski Housing Trust Fund are fully appropriated for affordable housing projects. During the 2011 Session, the collection cap on the Sadowski Housing Trust Fund was removed. The goal for the 2012 Session is to make sure those trust fund dollars continue to be spent solely on affordable housing needs by requiring that the trust fund not be rolled into General Revenue.

Tax Incentives for Hiring Homeless

Support legislation that provides tax incentives to businesses that hire homeless persons residing in transitional, permanent supportive, or permanent housing facility. Currently, two pieces of legislation have been filed supporting this issue: SB 160 by Senator Ring and HB 105 by Representative Campbell.

Support Issues

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 ophthalmoscope to detect 100% of the tumors. The use of a photograph of the child from parents and/or physicians can aid 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 filed by Rep. Abruzzo (HB 117) and Sen. Bennett (SB 138) relating to military veterans convicted of criminal offenses. This legislation allows counties to establish programs to divert a veteran who is charged with a criminal offense into an appropriate treatment program if he or she suffers from post traumatic stress disorder (PTSD), TBI, substance use disorder, or psychological problems stemming from military service in a combat theater.

CONSUMER SERVICES

LEGISLATIVE PRIORITIES

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 require 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

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 are no longer required to prove the assessed value of their property was inaccurate. The Palm Beach County Value Adjustment Board received a record 19,800 petitions in 2009 from residents who pay a \$15 filing fee in comparison to the approximate \$47 in costs to the County to facilitate a petition. In 2010 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.

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. The legislature must adhere to constitutional changes that require districts to be compact and follow political and geographic boundaries, and within those legal parameters, we would ask the legislature to consider the principal of communities of similar interest when applying those principals to redistricting. 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.

FRS 3% RECAPTURE

In 2011, the Legislature made changes to the Florida Retirement System requiring all employees to contribute three percent of their salary to the state pension fund. Those contributions enabled the state and local governments participating in the FRS to keep the savings from their employees now contributing into

the fund. In Palm Beach County, that savings amounted to approximately \$16.5 million. Documents from the Governor's office indicate an effort to recapture the savings realized by local governments in an effort to buy down any unfunded actuarial liability in the FRS. Oppose efforts by the state to impose additional financial hardship on local property taxpayers by requiring local governments to remit 3% of local payroll to the state or by withholding other revenue sources.

BED TAX COLLECTIONS

In Palm Beach County, there has been confusion when collecting bed taxes due from individual owners of homes that rent them out on a short term basis. A clarification to s. 212.11(b) would allow proper allocation for homeowners who remit this tourist related tax.

Include the following language in Florida Statute:

212.11(b) For the purpose of ascertaining the amount of tax payable under this chapter, it shall be the duty of all dealers to file a return and remit the tax, on or before the 20th day of the month, to the department, upon forms prepared and furnished by it or in a format prescribed by it. Such return must show the rentals, admissions, gross sales, or purchases, as the case may be, arising from all leases, rentals, admissions, sales, or purchases taxable under this chapter during the preceding calendar month. If such return is consolidated, include with the return the owner name(s) and address with the unit number, number of days rented and the amount of tax payable for that unit.

EDUCATION

SUPPORT ISSUES

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 the 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 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 youth and adults has also increased and some people have related that rather than send their children to summer camps, they utilize the library. 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 \$21.3 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 FY2011 funding of \$21.3 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 all Department of State approved Library Construction Grant applications (10 projects) up to the statutory limit of \$500,000, for a total of \$4.99 million. The Belle Glade Branch, ranked #4, is Palm Beach County's only project on the list and would require the state to fund at least \$2 million in statewide allocations. This City of Boca Raton's Library is ranked at #9 on the list. This grant is the only governmental funding source, other than local funds, as federal construction funding has been discontinued.

Regional Multi-type Library Cooperatives

The Palm Beach County Library System is part of the regional multi-type library consortia known as the Southeast Florida Library Information Network (SEFLIN), which connects both public and private libraries of all types to one another and allows the community to be served more effectively through the joint use of technology, continuing education and training of library staff. Each grantee is awarded up to \$400,000 but it requires a ten percent cash match of local funds. 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 11-12, total funding was at \$1 million, a \$200,000 decrease from the year before.

SIGNAGE AT PUBLIC SCHOOLS

Currently, Legislation passed allows the School District 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 School District of Palm Beach County to continue with the current signage program.

ELIMINATION OF SCHOOL READINESS WAIT LIST/EXPAND EARLY LEARNING COALITION SUBSIDIZED CHILDCARE

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.

In addition, continue to support the provision of school readiness programs through public school districts.

LOCAL BILLS

ENVIRONMENTAL CONTROL ACT AMENDMENT

In response to recent negligent acts by an employee of a child care facility that resulted in the death of an infant in Palm Beach County, the county requests amending Chapter 77-616, Laws of Florida to provide for increased civil penalties for violators of the local Child Care Act.

The changes to the Environmental Control Act which governs among several areas, violations of the Child Care Act, will add the definition of "repeat violation" and increase civil penalties from \$500 to \$1,000 for first violations. It will also increase penalties to between \$5,000 and \$15,000 for those who are repeat violators and those who commit irreparable violations.

PALM BEACH COUNTY ANIMAL CARE SPECIAL ACT

Chapter 69-1432, Laws of Florida, contains provisions requiring animals to be vaccinated against rabies and issued rabies tags, as well as, provisions relating to the general regulation of animals in Palm Beach County. This chapter of law is no longer required since statewide requirements for rabies control are now prescribed by general law and the general regulatory provisions set forth in Chapter 69-1432 are appropriately addressed in the Palm Beach County Animal Care and Control Ordinance. In addition, there are provisions in the special act that are in conflict with the local Ordinance.