



**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	20 <u>15</u>	20 <u>16</u>	20 <u>17</u>	20 <u>18</u>	20 <u>19</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

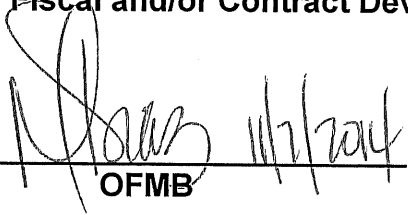
Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
 Object \_\_\_\_\_ Reporting Category \_\_\_\_\_

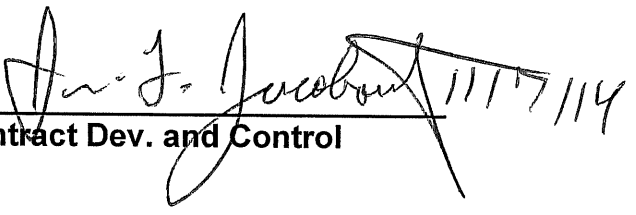
**B. Recommended Sources of Funds/Summary of Fiscal Impact: N/A**

**C. Departmental Fiscal Review:**

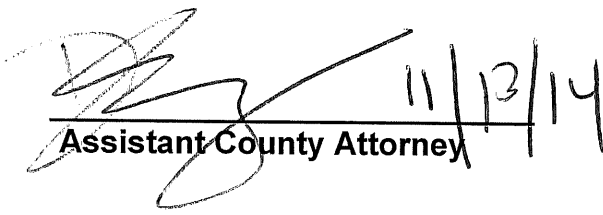
**III. REVIEW COMMENTS**

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

  
 \_\_\_\_\_  
 OFMB

  
 \_\_\_\_\_  
 Contract Dev. and Control

**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**PALM  
BEACH  
COUNTY  
2015 STATE  
LEGISLATIVE  
AGENDA**

***GENERAL  
GOVERNMENT  
ISSUES***

ATTACHMENT 1

REVISED



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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:

- Funding for Road Reconstruction and Repaving
- Support improvements to existing affordable housing units as well as the development of new affordable housing units
- Marina Funding: Torry Island Master Plan funding of \$75,000 for the redevelopment of this site into a marine resort focused on the ecotourism market and \$200,000 matching grant for Pahokee marina
- Economic Development Incentive and Transportation funding for the Glades Region Inland Logistics Center (formerly known as the Inland Port)
- Support reauthorization of the Enterprise Zones in Florida including the Glades
- Support funding for youth prevention programs, including a new Boys & Girls Club facility
- Support facility improvements at West Tech to accommodate expansion of career academy programs.

#### **EXPANSION OF GAMING 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. 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. This 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.

In November 2012, voters in Palm Beach County approved a ballot question asking voters if they would like to allow slot machines in existing pari-mutuel facilities.

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 and support legislation providing for the inclusion of slot machines in Palm Beach County pari-mutual facilities.

## **FILM AND TELEVISION INCENTIVE PROGRAM**

Florida's Entertainment Industry Incentive Program is a performance-based program that has been a huge success - creating thousands of new jobs for Florida workers, bringing substantial new money to our local communities and spawning financial investment throughout the state.

During the 2012 legislative session, Florida's Entertainment Industry Incentive program was allocated an additional \$42 million in tax credits and extended an additional year.

During the 2014 legislative session, Florida's Entertainment Industry Financial Incentive program was not allocated additional tax credits and there are presently no tax credits available in the program through FY 2015/2016.

In order to ensure the continued success of Florida's Entertainment Industry Incentive program, we need the Legislature to support:

1. Additional funding for the remaining fiscal years of program - the tax credits allocated to the program are completely certified and Florida is turning away or losing projects due to lack of adequate funding for the program;
2. Additional long-term commitment to the program in the form of an additional 4-7 years or no sunset - this will encourage more long-term investment and growth;
3. Adequate funding for the Office of Film & Entertainment so the office can continue to properly oversee, administer and market this tremendously successful program;
4. Contract with Film Florida to create a public-private partnership that will provide consistent leadership for Florida's entertainment production industries by 1.) marketing the State's industry resources; 2.) aligning and building the State's regional industry clusters and ; 3.) insuring that steps are being taken to protect Florida's investment in the entertainment production industries.

## **SCRIPPS, MAX PLANCK AND BIOMEDICAL RESEARCH FUNDING**

Current statute allows for a percentage of cigarette tax revenues to be deposited into the Alcoholic Beverage and Tobacco Trust Fund. One percent of those tax revenues is then placed into the Biomedical Research Trust Fund in the Department of Health for the purpose of establishing activities and grant opportunities in relation to biomedical research. Those funds have been solely appropriated to Sanford-Burnham Medical Research Institute.

Support an increase in the percentage of cigarette tax net collections that will be deposited into the Biomedical Research Trust Fund or a direct appropriation of \$3 million per year for each institute, to enhance biotechnology research within the state. During FY 2014, Scripps received \$3 million and Max



Planck received \$2 million in a direct appropriation in the state budget. Efforts should be made to continue to enhance the Trust Fund to allow other research institutes to compete for funding.

## **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 that 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**

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. In 2014, counties successfully obtained an exemption from having to increase annual funding for court-related functions by 1.5% under section 29.008, Florida Statutes, for FY13-14 as they have since 2010. This reprieve should be extended again for the 2015 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.

## **INTERNET SALES TAX**

Palm Beach County supports clarifying and enforcing the existing law relating to the collection of sales tax on taxable items purchased via Internet. Currently, individuals in the State of Florida are obligated to pay taxes on goods purchased online. The burden lies on *the individual* to remit to the Department of Revenue the tax incurred for online purchases unlike “brick and mortar” businesses where *the business* is required to collect and remit to the state. The Legislature should clarify law to require all businesses to collect and remit appropriate sales tax on goods purchased online. Additionally, the Federal Government should enact provisions that allow for the interstate collection and remittance of sales taxes paid on taxable goods that are purchased from businesses in said states.

## **TRANSPORTATION & INFRASTRUCTURE**

### ***LEGISLATIVE PRIORITIES***

#### **FLOOD PREVENTION**

In response to unprecedented rainfall in the central areas of Palm Beach County, more than a foot of water flooded parts of Wellington, the Acreage, and areas served by the Indian Trail Improvement District. In the 2013 session, \$4 million was allocated to improve the J.W. Corbett Levee System to help improve water drainage and flow in the region. Palm Beach County supports efforts of the South Florida Water Management District, local flood control districts, and residential associations to secure the remaining financial resources to enhance drainage in these communities.

#### **GROWTH MANAGEMENT AND INFRASTRUCTURE**

Growth management laws should take careful consideration of and protect the distinct home rule authority of local governments. **Support** changes that 1) strengthen the intergovernmental review process, 2) ensure that the development impacts occurring outside the approving jurisdiction are adequately mitigated, 3) eliminate unnecessary duplication and expenses, and 4) **Support** full funding of regional planning councils and **Oppose** legislation prohibiting or restricting the ability of a regional planning council to provide planning and technical service to its local governments. Efforts to strengthen intergovernmental coordination should be considered so that land use decisions of one jurisdiction do not negatively impact another.

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.

Additionally, Oppose efforts that would undermine a local government’s planning and zoning authority or that would assign density to properties under the zoning purview of a local government.

## **DMV FACILITY SERVICE/MOUNTS BOTANICAL GARDEN OF PALM BEACH COUNTY**

Currently, the Department of Motor Vehicles licensing building is located on a parcel of land that sits on the northeast corner of The Mounts Botanical Garden of Palm Beach County. 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, which was revised in 2004, for the Botanical Garden 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.

It is anticipated that DMV service at the Military Trail site will cease by June of 2015. Support future integration of the Military Trail DMV Office into the Mounts Botanical Garden Master Plan.

## **PUBLIC SAFETY**

### ***LEGISLATIVE PRIORITIES***

## **REGIONAL JUVENILE DETENTION CENTER & JUVENILE ASSESSMENT CENTER REPLACEMENT**

The current West Palm Beach Regional Juvenile Detention Center is more than 30 years old and was described in last year's DJJ Capital Improvement Plan as being a hazard. Palm Beach County supports the complete replacement of the facility, including both the detention center and the attached juvenile assessment center; however, given a lack of momentum in replacing detention centers, the County strongly supports the requested maintenance and repair projects totaling over \$800,000 for FY2015/2016, including air conditioning improvements.

## **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 awaiting disposition of charges or "predisposition" days.

In June 2013, the First District Court of Appeal in DJJ v. Okaloosa, et al. (Case No. 1D12-3929) affirmed a DOAH Final Order in Okaloosa, et al. v. DJJ (Case No. 12-0891RX) that invalidated rules DJJ promulgated to administer the cost/share relationship. The practical effect of which was that, for years, DJJ improperly shifted financial responsibility for detention days to the counties. County cost estimates for FY13-14 dropped from \$71 million to \$32 million, leaving the State with a budget deficit to fund. Under proposed rules being promulgated by DJJ, the estimated county costs for FY14-15 has risen to \$52 million. These rules are currently being challenged by FAC and 25 counties.

Palm Beach County supports legislation that codifies the financial responsibility of juvenile secure decision as upheld by Florida's courts.

### **SOBER HOMES**

Sober Houses, also known as Recovery Residences, have been an issue for many local residential communities, including single family neighborhoods. The majority of these Sober Homes are privately owned and operated by one individual or non-profit organization. During the 2013 Legislative Session, budget proviso required DCF to submit a report by October 1, 2013 about Recovery Residences in Florida. Based upon their research, the report was inconclusive including the number of Recovery Residences in the state. During the 2014 Legislative Session, the House passed legislation that would make registration or certification of sober homes voluntary but restrict licensed treatment facilities from referring patients to sober homes that were not registered/certified. The Senate version, which would require all sober homes to register with DCF, died prior to being heard in its last committee.

The primary community concerns consist of the lack of regulation or oversight by any entity or agency, and there is little to no structure and no standard operating procedure. Due to this lack of oversight, medical treatment is occurring in some Sober Homes even though it is not permitted, as a Sober Home is not a treatment facility. Many Sober Houses are advertising themselves as the entry into treatment, while they should be the last step in the continuum of treatment or post detoxification. Anyone is capable of opening a Sober House and does not need credentials and/or accountability standards to operate one. Additionally, there is no requirement to have any life-safety inspections or background checks of the owners/operators which may present a public safety issue for tenants of these Sober Homes. Some of the Sober House operators have partnered with laboratory facilities and/or medical providers and are engaging in insurance fraud and/or patient brokering, which is illegal but very hard to prove as the homes do not have to register with any entity or agency.

Therefore, support legislation that defines and establishes minimum regulatory standards for sober homes and their owners/operators and provides for some penalties for their failure to follow the standards.

## **PRE-TRIAL RELEASE**

In 2012, legislation was filed 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 \$4 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. Also, support efforts to expand state resources to assist treatment based drug court programs.

## **REENTRY FOR NON-VIOLENT OFFENDERS**

Florida continues to house one of America's largest prison populations. More than 34,000 people return to their communities each year with more than 1,200 of those coming to Palm Beach County. Experience shows that approximately one-third of prisoners released from prison will return to prison within three years. 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 criminal justice reform described below:

### ***Modify FS 1011.80***

During the 2013 Legislative Session, Florida Statute 1011.84 was modified to prohibit the use of state funding of educational programs for state prison and county jail inmates. This dramatically affects our local state college, Palm Beach State College, from educating inmates at reentry facilities, including Sago Palms. Palm Beach County supports legislation aimed at increasing the successful reentry of state prisoners, including the ability of state colleges to provide coursework and training classes to inmates at reentry facilities.

## **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.

## **MENTAL HEALTH/SUBSTANCE ABUSE FUNDING**

In the last two years over \$30 million in mental health funding had been lost to Florida's communities. Increased community funding is required to meet the needs of persons residing in the Palm Beach County area who are mentally ill and often also have severe substance use disorders.

Continue support for a Mental Health Pilot Program at the Jerome Golden Center in Palm Beach County to fund a 12-bed co-occurring (mental health and Substance abuse) Residential II Treatment Facility designed to serve a target population of 18 years and older. The annual cost of a 12-bed program is approximately \$775,000 annually. State funds would be leveraged with Medicaid and other fund sources. Substantial savings will occur to the state with decreased State Hospital costs, jail costs and unnecessary inpatient costs. The request for a three-year pilot project with a State cost of \$575,000 annually for a three-year total of \$1.72 million.

In 2014 the Legislature funded \$200,000 to the project. Support an appropriation of \$575,000 for the second year of the program during the 2015 session.

Additionally, the human and economic costs of untreated mental illness in our state continue to rise. Those costs include the criminalization of people with untreated mental illness, family erosion, substance abuse, job loss, domestic violence, homelessness, medical problems, crime and suicide. Florida must do more to invest and fund community-based and integrated mental healthcare.

## **FIRE RESCUE**

### **Carbon Monoxide Detectors**

Palm Beach County Fire rescue receives up to 3 cases a year of fatalities that have occurred because running car engines in garages have emitted toxic levels of carbon dioxide. If more homes were constructed with carbon monoxide detectors, these incidents could be eliminated. Encourage support for the installment of detectors in garages of new construction homes.

### **Fall Prevention**

Nearly 20 percent of calls to Palm Beach County Fire Rescue are fall related injuries. Last year, upwards of 25,000 calls were documented with these cases. Palm Beach County seeks state resources to provide fall prevention education in the community and expand the existing fall prevention workshop program.

### **DOMESTIC VIOLENCE**

Domestic violence occurs in all races, across all economic classes and educational levels. Nearly all victims are female (94%), and 31% of the women murdered in the United States are killed by their significant others. Forty percent of homeless families in large cities are homeless because they are fleeing violence. Children whose mothers are abused are at a higher risk of also being abused. Furthermore, substance abuse is more likely to compound the risk of domestic violence. Locally, recent news reports of domestic violence victims dying at the hands of their abusers have raised the need to support further efforts to protect victims, treat abusers, and provide resources for families.

Therefore, Palm Beach County supports:

1. Legislation that allows for a victim of domestic violence to receive unemployment compensation or terminate rental leases if the victim can prove that the discontinued employment or need to terminate a lease is a direct result of circumstances related to domestic violence as defined in s. 741.28. The victim must:
  - a. Provide evidence, such as an injunction, protective order, or other such reasonable documentation authorized by state law which reasonably proves that domestic violence has occurred.
  - b. Reasonably believe that a future act of domestic violence, including being a victim of stalking as provided in s. 784.048(3), (4), or (5), is likely to occur against the individual by a family or household member, as defined in s. 741.28.
  - c. Make reasonable efforts to preserve employment and lease by seeking a protective injunction prior to seeking a lease or voluntary employment termination.
2. If a victim successfully terminates a lease under the guidelines above, prior to a voluntarily termination of employment being granted, the victim must either attempt to relocate to a secure place or seek a reasonable accommodation from the employer, such as a transfer or different assignment, prior to being approved for unemployment compensation.

Palm Beach County also seeks a revision to Florida Statute 741.30(6)(a)(5) that would **require** court-ordered intervention treatment for perpetrators of domestic violence. This change would be modeled after the Dupage County, Illinois Domestic Violence Program, a NACo award-winning program for Innovation. This intervention program is designed to treat the perpetrator by including a mandatory court-ordered assignment

to this 26 week, 39 hour intervention program. The program fees are designed to accommodate indigent as well as full-fee payment.

Expand the allowable uses of the Domestic Violence Trust Fund Florida Statute 938.08 to include programming for domestic violence victims and offenders. Some of the programs suggested are an in-house batterer's intervention program and support services for victims to assist getting restraining orders and case management assistance.

## **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.

## **ANIMAL CARE AND CONTROL LEGISLATION**

1. Palm Beach County currently impounds livestock in a variety of ways, some from cruelty cases and more commonly when they are found running at large as strays. Chapter 588 in Florida Statute requires us to do various things that are costly and/or not in the best interest of the animal. Amended statute to give us the ability to act in the best interest of the animal and place them up for adoption to good homes. We would also like to handle them as domestic strays, similar to dogs and cats, which do not require costly advertisements in newspapers or postings on a courthouse bulletin board.
2. 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. There have also been occasions where we would like to declare a dog as "Dangerous" following one severe animal attack to a domestic animal. We would like to see Florida Statute 767.11, 767.12 and 767.13 amended with the following:
  - FS 767.11 (b) Has ~~more than once~~ severely injured or killed a domestic animal while off the owner's property
  - FS 767.12 (8) Any dog that is the subject of a dangerous dog investigation shall not be concealed or hidden from the animal control authority. Any person who conceals a dog, 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 upon request, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
  - FSS 767.13 (6) 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, that person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



## WAIVER OF PUBLIC RECORD FEES AND DISCLOSURES FOR CRIMINAL JUSTICE COMMISSIONS

Florida statute 28.24 regarding service charges by clerk of the circuit courts should be amended to add "criminal justice commissions" to the list of agencies exempt from being charged for public documents. Criminal Justice Commissions exist in Palm Beach and Sarasota counties. The impact is approximately \$2000 a year.

Amend Florida statute 119.07(6) allowing Criminal Justice Commissions, created by County Ordinances to be added to the list of agencies in the cited section which would enable us to receive information that is exempt from public records disclosures.

## MARCHMAN ACT REVISIONS

The Marchman Act is a Civil Process, a law under the Florida Statute that provides for the involuntary or voluntary assessment, stabilization, and treatment of a person abusing or addicted to drugs or alcohol.

The Marchman Act involves a two-step process: assessment first, then treatment. The most common way Marchman cases are started is with the filing of a petition for assessment in the county where the substance abuser is located. The criteria for the Marchman Act petition entails that the individual has lost the power of self-control with respect to substance use; and either has inflicted or threatened or attempted to inflict physical harm on self or another or the individual In need of substance abuse services, is incapable of making a rational decision in regard to receiving services.

Several amendments the state statutes are recommended:

### **397.697 Court determination; effect of court order for involuntary substance abuse treatment. -**

The court may order the individual to attend a recovery residence upon completion of their treatment if it is recommended by the service provider and if additional funding is available. This allows the individual to reside in a supportive drug free environment with greater chances of continued sobriety.

Failure to complete treatment may result in a new protective custody order authorized by any duty judge. This will eliminate the process of filing an additional petition and allow a quicker reaction time for the individual to reenter treatment.

### **397.6977 Disposition of individual upon completion of involuntary substance abuse treatment. –**

Notice from the service provider that an individual has satisfactorily completed treatment or extended treatment, the individual is automatically discharged. This allows input of the service provider's professional opinion to be conveyed to the courts that the individual has successfully completed the treatment program.

A non-completion of the involuntary treatment or relapses within the twelve month timeframe by the individual, the court may retain jurisdiction over the individual. This allows for the courts to have the power to overrule in the best interest of the individual, returning him/her treatment.

**397.6773 Dispositional alternatives after protective custody. –**

If an individual is taken into protective custody, the individual may be held beyond the allotted statute timeframe, allowing for a petition to be filed through the court. This will allow the individual to remain in a safe, secure, and drug free environment until further actions are taken and implemented.

**397.6799 Disposition of minor upon completion of alternative involuntary assessment. –**

When a minor has been assessed, based on the assessment and the service provider, the minor may be held in the treatment facility while a petition for involuntary treatment has been filed through the court. This will allow the minor to be monitored in a structured treatment environment as an alternative of being released.

## ***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 residential property insurance policy 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, a historical level representing approximately 44 percent of the annual trust fund proceeds. Support maintaining this funding level as the minimum allocation for County Base Grants and support an across the board increase in county base grants to reflect the increased demands on county emergency management programs.

## **ZERO TOLERANCE POLICY REVISIONS**

Schools continue to be a major source of referrals into the Juvenile Justice system. In order to expand the use of civil citations (or similar programs), zero tolerance statutes need to be revisited. Implemented in the early nineties to address the increasing juvenile crime rates, zero tolerance policies served a purpose at that time. Over the years it has become apparent that the language ties the hands of teachers and administrators. Furthermore, it does not provide for a uniform way of addressing misconduct on school grounds as shown by the various policies even at schools within the same school district. Support efforts to enact legislation similar to that proposed by Senator Wise in the 2012 Legislative Session (SB 1886), which revises zero tolerance statutes in a way that provides for a more equal treatment of juveniles on school grounds, greater ability for school administration to address issues on campus, protects victims and supports the needs of law enforcement.

## **JUVENILE DOMESTIC VIOLENCE RESPITE PROGRAM**

Support the Department of Juvenile Justice's funding request to provide 2,100 additional bed days to increase the length of stay and provide services for approximately 210 more youths in the Domestic Violence Respite Care program (DVR). In February, 2013 DJJ started providing respite care services for youth arrested for domestic violence. DVR services are provided to youth who do not pose a risk to public safety and can be placed in non-secure alternatives allowing them to remain in their communities.

## **FUNDING FOR ENHANCED LIGHTING IN HIGH CRIME AREAS**

According to a systematic review published by the Campbell Collaboration, improved street lighting is thought to affect crime in two ways: by increasing surveillance, thus deterring potential offenders, and by signifying community investment and pride in an area.

CCRT areas are residential neighborhoods generally characterized by infrastructure deficiencies (such as lack of water, unpaved roads or roads in substandard conditions, etc.); a need for neighborhood parks; a high number of code enforcement violations; and a high level of law enforcement need. These 85 designated areas may also be characterized by a concentration of very low to moderate-income populations and lower property values with an increased neighborhood crime rate.

Palm Beach County has adopted and currently applies Crime Prevention Through Environmental Design (CPTED) principles in order to use lighting, amongst others, as a crime deterrent and enhance public safety in numerous areas of the County.

Support a \$200,000 allocation to cover the cost of installation, operation and maintenance of street lighting in numerous areas designated by the Countywide Community Revitalization Team (CCRT), an advisory board established by Palm Beach County to coordinate stabilization/revitalization activities for designated residential neighborhoods in unincorporated areas of the County.

This proposal is for roughly 33 street lights that will provide sufficient lighting in crime-ridden residential neighborhoods. Each street light costs approximately \$6,000 (It would be in coordination with Florida Power & Light and would cover installation, operation and maintenance).

### **FLORIDA SERT (STATE EMERGENCY RESPONSE TEAM)**

Support funding for Florida SERT to ensure adequate preparation and resources when responding to disasters in the State.

## **HEALTH & HUMAN SERVICES AND HEALTHCARE**

### ***LEGISLATIVE PRIORITIES***

### **TRANSPORTATION DISADVANTAGED PROGRAMS**

For FY 2014/2015, the State of Florida will provide Palm Beach County with \$2,733,521 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 addition funding. This year the County's local contribution is \$3.25 million, of which \$303,725 is required. Palm Beach County supports attempts to maintain funding to the TD program and to prevent diversion of these dollars for other purposes.

### **HOMELESSNESS**

#### ***Dedicated Revenue Stream***

Palm Beach County currently supports efforts by members of the Legislature to identify a dedicated revenue stream to fund programs for the homeless. Three possible sources are being considered at this time:

1. **Streamlining Challenge Grants**

For the first time in years, Challenge Grants were refunded last Session, but only for the current year. Chapter 420.622, Florida Statutes establishes the Challenge Grant Program and establishes criteria for local grant awards, competitively procured by the State Office on Homelessness. Palm Beach County supports providing a sustainable funding source for Challenge Grants. The County

also supports a simplification of the Challenge Grant award process. Recommendations for simplification include:

- Revise qualifications for the Challenge program to the Lead Agency of the Homeless Continuum of Care to include an allocated funding level based on having and implementing a Long Range Strategic Plan;
- Creating and ensuring a coordinated assessment/central point of access; and
- Demonstrated ability of the CoC to provide quality services to homeless persons, with annual renewal of HUD SHP Grant.
- Preference given to lead agencies in Continuums with the greatest need for provision of services to the homeless relative to the population of the area.

The Lead Agency receiving Challenge program funds would establish a local process for priorities and award based on Continuum goals and needs. The Lead Agency would continue to be responsible for monitoring the recipient and submitting required reports to DCF.

## 2. Gaming Revenues

If the Legislature passes legislation related to gaming in Florida, Palm Beach County supports the designation of revenues resulting from an expansion of gaming or a renegotiated compact with the Seminole Tribe of Florida for homeless services.

## 3. Local Discretionary Sales Surtaxes

Palm Beach County supports a statutory change that would add a ninth category to the local discretionary sales surtax or an expansion of existing categories to fund homeless services through local referendum.

The County supports legislation that would include a combination of any of these three potential revenue sources.

## **AFFORDABLE HOUSING**

Palm Beach County supports efforts to ensure that funds within the Sadowski Housing Trust Fund are fully appropriated for affordable housing projects and not rolled into General Revenue.

Furthermore, the Legislature should provide more flexibility in the use of housing dollars for administrative purposes. Currently, Palm Beach County has 4,000 SHIP mortgages and is required to monitor them for 15 years. The current 10% administrative cap should be adjusted based on population to allow for 20% for counties with over 1 million population and 15% for counties between 500,000 and 1 million population.

## **PUBLIC RECORDS EXEMPTION FOR HOMELESS POINT IN TIME COUNT IDENTIFYING DATA**

Federal law requires local homeless Continuums of Care to conduct a point-in-time homeless count every other year. These numbers determine funding levels for many of the homeless programs. An issue arose recently when a newspaper reporter submitted a public records request for identifying information from the required survey. This is extremely sensitive because the homeless are often concerned during these surveys with their privacy being maintained. If there was concern about this information becoming public, then the homeless would be less likely to cooperate. This, in turn, affects federal funding levels from HUD. Therefore, Palm Beach County supports legislation that would allow identifying information such as name and date of birth to remain exempt from public record requests.

## **CHILD WELFARE**

### ***Special Appropriation to Close Foster Care Funding Deficit***

In 2012, ChildNet was asked to assume the lead agency contract in Palm Beach County. By doing so, ChildNet assumed a \$3.1 million deficit left from the previous agency. The following year, Palm Beach County saw a 54% increase in the number of children coming into the dependency system and by July 2014 was serving 1,792 children – an increase of more than 523 children from 2012. This substantial increase has driven up costs resulting in a \$3.2 million deficit. Because ChildNet Palm Beach did not have the same resources as its counterpart in Broward, there was no carry forward available to close this gap. A similar budget shortfall is expected in the current year because the numbers continue to remain high. In order to remain fiscally sound, ChildNet has been forced to downsize its workforce which results in higher caseloads as well as lower reimbursement rates for service providers and subcontractors. Therefore, Palm Beach County supports ChildNet Palm Beach's request for a special appropriation of \$3.2 million to provide needed services for children in care in our area.

### ***Adequate Funding for Community Based Care Child Welfare***

South Florida has experienced a tragically high number of child deaths since April 2013. Some of these deaths can be attributed to an underfunded and overworked child welfare system. In order to fully protect children involved with the dependency system in our community and across Florida, Palm Beach County supports the Florida Coalition for Children's budget requests for Case Management to improve outcomes by reducing frontline turnover and increasing average tenure for frontline workers and supervisors.

Furthermore, Palm Beach County supports an additional request to adequately fund CBC's across the state for services to abused and neglected children. \$16.4 million was allocated for the FY 13 fiscal year. Support efforts for a hold harmless equity formula in which these funds are added to the CBC budgets of lead agencies that are not adequately funding rather than pulling funds from other lead agencies and support funding for the CBC Risk Pool to manage unexpected and unmet needs outside of the equity allocations.

### **Extended Foster Care Funding**

The Legislature made positive modifications to the Independent Living Program during the 2013 Session and also provided for Extended Foster Care in the state of Florida; however, the unfunded mandate known as the My Future My Choice Program requires the following additional services from Community Based Care Lead Agencies (CBC's):

- Full case management services for youth ages 18 to 22 who opt into extended foster care.
- Supervised living arrangements with CBC paying rent and utilities directly to the landlord or provider for youth ages 18 to 22 who opt into extended foster care.
- Youth who previously qualified for housing and case management support through APD at age 18 based on "risk of homelessness" no longer qualify due to extended foster care option. CBC's may have to fund these youth until age 22.

This unfunded mandate for youth ages 18 to 22 will cost ChildNet Palm Beach, the local CBC, \$2.5 million annually. Therefore, support revisions to existing statute and rules to adjust the language to clarify rules and responsibilities in serving youth over the age 18 that opt to extend care and allocate additional funding to cover the CBC's costs associated with implementing the independent living legislation.

### **GRANDPARENTS' RIGHTS LEGISLATION**

State legislatures began to enact statutes to permit grandparents and sometimes other nonparents to petition for visitation rights. Today, the statutes generally delineate who may petition the court and under what circumstances and then require the court to determine if visitation is in the child's best interests.

Much of Florida statute, s. 752.01, F.S., titled "Grandparental Visitation Rights," providing grandparents a means to petition for visitation with their minor grandchildren has been declared unconstitutional by the Florida Supreme Court. There is only one unchallenged criterion in the present law, providing that a grandparent may petition for visitation when a parent has deserted the child.

Support the revision of statute such that a grandparent or great-grandparent of a minor child whose parent or parents are deceased, missing, or in a permanent vegetative state may petition for visitation with a grandchild, if the grandparent or great-grandparent can demonstrate that the parent is unfit or that there has been significant harm to the grandchild or great-grandchild. Support placing great-grandparents in the same position as grandparents in regard to notices affecting adoption, dependency, and next of kin status.

### ***SUPPORT ISSUES***

#### **RETINOBLASTOMA**

Retinoblastoma is a disease that causes the growth of malignant tumors in the retinal cell layer of the eye and affects 1 in every 12,000 children. Most cases occur in the first two years of life, which is why it is important that screening of this disease 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 continues to issue an annual proclamation declaring December as “Joey Bergsma Retinoblastoma Awareness Month” 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 the dissemination of information at prenatal, newborn, and preschool or kindergarten child exams to educate parents about the importance of receiving certain eye examinations that screen for retinoblastoma. Such information should also include instructions on how the exam should be conducted.”

## **SICKLE CELL ANEMIA SCREENING**

Sickle cell disease is an inherited disorder that mostly affects people of African ancestry, but also occurs in other ethnic groups, including people who are of Mediterranean and Middle Eastern descent. The disease affects red blood cells (RBCs), which are abnormally shaped. This abnormality can result in painful episodes, serious infections, chronic anemia, and damage to body organs. More than 70,000 Americans have sickle cell anemia. And about 2 million Americans — including 1 in 12 African Americans — have sickle cell trait, which means they carry a single gene for the disease and can pass this gene along to their children, but do not have the disease itself.

Currently, most states, including Florida, include sickle cell screening as part of the Newborn Screening Panel that all newborns receive upon birth regardless of ability to pay. Although all newborns are screened for this potentially life-threatening condition, most infants that test positive for this disease will not start showing symptoms until 4 months of age. Sometimes symptoms can be delayed until the infant is two years of age or older. Because of this, parents may delay treatment. Early treatment is imperative in the early weeks of life to avoid complications in these tiny infants, including sepsis or spleen rupture.

Another risk for patients with sickle cell diseases is reduced access to comprehensive care, which can be limited by social, economic, cultural, and geographic barriers. These barriers include limitations in geographic access to comprehensive care, the varied use of effective treatments, the high reliance on emergency departments and on public health programs, and the limited number of health care providers with knowledge and experience to manage and treat sickle cell anemia. Economically, a 2009 study by the University of Florida suggests a lifetime cost of care averaging \$460,151 per patient with sickle cell disease.

Therefore, Palm Beach County supports legislative efforts that would increase public awareness educational programs regarding sickle cell disease for parents, patients and medical providers that encourage early intervention and treatment. The County also supports funding to increase the number of medical residency



slots for students interested in furthering their education in hematology to increase the number of providers that specialize in the treatment of sickle cell diseases. And, lastly, the County supports interventions designed to prevent sickle cell disease-related complications and avoid hospitalizations that may reduce the significant economic burden of the disease on the patient and their families.

## **CONSUMER SERVICES**

### ***LEGISLATIVE PRIORITIES***

#### **TOWING BILL**

The following changes to statute 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. Amend statute 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.

A towing business’ hours of operation currently defined in Florida Statute 715.07 as between 8am and 6pm should also be defined in Chapter 713.78 to provided consistency in Florida law and provided consumer protections from being required to pay excessive fees.

Additionally, a cap on towing mileage radius should be provided in statute for certain regions of the state to ensure vehicles are not towed so far from the original destination so as to overly burden the car owner.

#### **REGULATION OF TAXIS AND LIMOUSINES**

Support maintaining the integrity of home rule power, which allows counties to regulate taxis, limousines, and jitneys for the purpose of public safety and consumer protection. Conversely, oppose efforts that preempt to the state the regulation of chauffeured limousines, limousine services and drivers of chauffeured limousines.

## **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 the 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.

#### **HENRY FLAGLER BILL**

Support legislation to establish a Henry Morrison Flagler Memorial in the courtyard of the Capitol courtyard. The Henry Morrison Flagler Museum would be responsible for funding the figurative bronze sculpture to be installed in the memorial location. Henry Flagler is credited with the development of modern Florida. The transportation infrastructure and the tourism and agricultural industries he established in the late 1800s and early 1900s remain the very foundation of Florida's economy, while the building of the Over-Sea Railroad remains the most ambitious engineering feat ever undertaken by a private citizen. When Henry Flagler began his work in Florida, it was perhaps the poorest state in the Union. Today, thanks in large part to Henry Flagler, Florida is the third largest state in the Union with an economy larger than 90% of the world's nations. Few if any individuals have had a greater or more lasting impact on a state than Henry Flagler has had in Florida.

## **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.

The Legislature increased **State Aid to Public Libraries** by \$5,110,989, to \$27,409,823 in the 2014-15 budget. Palm Beach County and The Florida Library Association **strongly supports** the restoration of the State Aid to Public Libraries program to at least **\$33,400,000**. This level was last appropriated in FY 2001.

Currently 51% of Floridians have a library card and they checked out an average of 6 books per person in 2013. Floridians visited their public library 78.5 million times in person and made 94.8 million virtual visits. **A strong fiscal foundation for our public libraries is critical to the state's economic and educational success.**

Florida's State Aid grant program has been the cornerstone of public library support in our state since 1963 and is a national model. **State Aid grant funding assists Floridians with:**

- Economic development resources to small businesses and job seekers.
- Access to government services, especially e-government – public libraries are the “go to” place when Floridians need to access the Internet and the vast array of services and products online.
- Education and reading – libraries are the safety net that insures school success for students of all ages.

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.

### **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. The Legislature funded the Library Cooperative Grant program for the state's five multi-type library cooperatives (MLCs) at \$2 million in 2014-15 and Palm Beach County supports an appropriation of the same amount in 2015-16. These funds are critical for Florida's five multi-type library cooperatives (MLC's). These funds are used to:

- Maintain the Florida database of library records that makes possible interlibrary loan among libraries
- Promote resource sharing so Floridians can easily obtain resources from other libraries using statewide delivery and reciprocal borrowing services
- Continuously upgrade the skills of library employees to improve the experience of Florida library customers
- Create connections between libraries to encourage adoption of technologies and services important to Floridians

## **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. There are more than 5,000 children on the waitlist in Palm Beach County.

## **PALM BEACH STATE COLLEGE PECO FUNDING**

Additional construction funding (Public Education Capital Outlay, PECO) for the new campus in Loxahatchee Groves is needed for completion of the first building. Groundbreaking for this project will take place in November 2014, and the campus is scheduled to open in 2016. In 2014, the Florida Legislature appropriated \$6 million toward the total \$10 million cost of the campus. \$4 million is requested in 2015-16 to complete to campus construction.

## **CAREER EDUCATION FUNDING**

STEM, Science, Technology, Engineering and Mathematics, curricula has been predominantly taught in colleges or post-secondary institutions in Florida. Based upon the need for qualified candidates within the STEM fields, support to expand, enhance and provide adequate funding of STEM programs to public career academies, including K-12, and career programs in higher education.

## **PALM BEACH SCHOOL SIGN LOCAL BILL**

Palm Beach County and the School Board of Palm Beach County request a local bill to allow for the use of signs to publicly display the names of the School Board's business partners on school district property in the unincorporated areas of the county.

## **CULTURAL ARTS FUNDING**

The Florida Division of Cultural Affairs (DCA) at the Department of State recommends to the Legislature a ranked list of qualified grant applicants for Cultural and Museum Grants, Cultural Projects, Cultural Facilities, and the Cultural Endowment Program. During FY 2014-15, all of the projects on these four grant lists was funded by the Florida Legislature. Palm Beach County organizations benefitted from receiving over \$5 million of the overall funding allocation. Support the FY 15 Cultural Grant application list as approved by the DCA.

## **AGRICULTURE**

### **FARM TO SCHOOL PROGRAMS**

Integrated Farm to School programs have the ability to positively affect entire communities. One of the most valuable components of supporting Farm to School initiatives is the opportunity to increase access to fresh produce within a domestic food assistance program that services low-income families. Farm to School programs encourage a lifelong appreciation for healthy eating habits by creating an environment that exposes children to a variety of fruits and vegetables. Aside from the nutritional benefits of increasing the availability of fresh produce in school meals, the local economy benefits from an additional marketplace and could indirectly promote job creation in the agricultural community. Support legislation that would assist in integrating locally grown produce into school meals.

### **GLEANING**

Gleaning is the practice of allowing volunteer organizations to partner with growers to provide fresh produce that would otherwise go to waste to charitable organizations that serve the hungry. It is a traditional way of collecting crops from farmers' fields that have been mechanically harvested or are not economically profitable to harvest. Some local growers in Palm Beach County also set aside a portion of their fields for gleaning prior to harvesting and regardless of economic profitability. Palm Beach County supports revisions to existing statutes dealing with gleaning in order to provide additional protections to growers who allow volunteers on their property, specifically packing houses, to recover produce for distribution to food banks and/or feeding programs.

It is estimated that 52 million pounds of produce is plowed under in Palm Beach County each year while over 120,000 residents experience food insecurity. Fear of litigation keeps growers on the sidelines in the food recovery efforts. Removing that fear will increase opportunities for charitable agencies to conduct gleaning events. And, while some liabilities are provided for in Florida Statutes, further clarification is needed.

**PALM  
BEACH  
COUNTY  
2015 STATE  
LEGISLATIVE  
AGENDA**

***ENVIRONMENTAL  
&  
NATURAL  
RESOURCES  
PRIORITIES***



**Board of County**

**Commissioners**

**Hal R. Valeche  
Paulette Burdick  
Shelley Vana  
Steven L. Abrams  
Mary Lou Berger  
Melissa McKinlay  
Priscilla A. Taylor**

**Robert Weisman,  
County Administrator**

**Todd J. Bonlarron,  
Legislative Affairs Director**

ATTACHMENT 2

# PALM BEACH COUNTY

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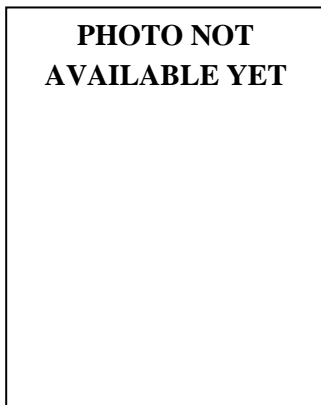
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# **ENVIRONMENTAL/NATURAL RESOURCES**

## ***LEGISLATIVE PRIORITIES***

### **LAKE REGION WATER INFRASTRUCTURE IMPROVEMENT PROJECTS** **\$3,000,000**

Water infrastructure in the Lake Region (including the economically distressed cities of Belle Glade, South Bay and Pahokee) suffers from a history of inadequate design, substandard construction, the utilization of improper materials and a severe lack of investment for replacement and repair. As a result, the Lake Region suffers from the inadequate provision of water pressure and quality during both average and maximum daily flow conditions. Provision of adequate fire flow pressure during daily flow conditions is also difficult due to the significant deterioration of existing water mains. The continued deterioration of the water infrastructure has resulted in historic rates of 40% water loss throughout the system, leading to threats to the health, safety and welfare of the citizens of the Lake Region. It has also curtailed the ability of Palm Beach County and the municipalities of the Lake Region to attract economic development and business expansion, including the anticipated development of an inland logistics center and supporting residential and commercial development. Additionally, the Lake Region Water Treatment Plant, previously funded with state and federal contributions to produce high quality water for the Region, is depreciating at an accelerating rate, further preventing the expansion of the water delivery system to promote economic growth in the Region. A suite of Water Infrastructure Improvement Projects (Projects) are required in order to repair and restore the water infrastructure of the Lake Region to a level that will ensure the provision of high quality water delivery, protect the health, safety and welfare of the public and businesses of the Lake Region and improve the economic development outlook of the Region. The proposed projects are included in the Glades Region Master Plan currently being finalized by Palm Beach County and participating municipalities, and are a vital part of a larger regional effort to foster economic development through the improvement of basic infrastructure throughout the Region. The total cost for the initial phase of Projects is estimated at \$60 million, to be completed over the next five years.

Initial Lake Region Infrastructure Improvement Projects were partially funded by a \$1 million Legislative Appropriation during the 2014 Legislative Session.

The Lake Region Infrastructure Improvement Projects include:

Southwest Belle Glade Water Main and Water Services Replacement Project – Zones 1 and 2  
Project Cost - \$7 million Amount Requested - \$3 million

	<b>FY 2013-2014 Funding Request</b>	
Project Name	Estimated Project Cost	Requested State Allocation
Southwest Belle Glade Water Main and Water Services Replacement Project – ZONES 1 and 2	\$7 million	
Total Project Cost	\$7 million	\$3 million

Zones 1 and 2 Water Main and Services – PBCWUD has determined that the residential area of Belle Glade is in an area of heightened importance for the improvement of water infrastructure. PBCWUD has divided the area into four priority zones based on the severity of need for improvement of water service delivery and fire protection. Zones 1 and 2 have been assigned the highest priority given a history of numerous water service line failures due to breaks, leaks, aged and undersized pipes and lack of proper infrastructure replacement and refurbishment.

**LAKE WORTH LAGOON INITIATIVE \$3,300,000**

The Lake Worth Lagoon (LWL) estuary stretches 20 miles along the shores of 13 municipalities from North Palm Beach to Ocean Ridge and has been subjected to pollution and habitat losses for decades. The Lake Worth Lagoon Initiative is supported by Palm Beach County, South Florida Water Management District, Florida Department of Environmental Protection, Florida Inland Navigation District and the League of Cities, which have endorsed the LWL Management Plan to restore the Lagoon. This plan includes projects to restore sea grasses, mangroves and oysters, capping of muck sediments 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 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 lagoon and watershed. 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.

**LWL Funding Requests for Fiscal Year 2015**

FY 2015 LWLI FUNDING REQUESTS				
	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
1	Tarpon Cove Mangrove Islands & Seagrass	\$2,500,000	\$2,500,000	\$5,000,000
2	City of West Palm Beach Living Shorelines	\$500,000	\$500,000	\$1,000,000
3	Monitoring and Administration	\$300,000	\$300,000	\$600,000
	<b>TOTAL</b>	<b>\$3,300,000</b>	<b>\$3,300,000</b>	<b>\$6,600,000</b>

**BEACH AND INLET MANAGEMENT PROJECT APPROPRIATIONS: \$29,346,860**

Florida’s beaches are the focus of our tourism industry and their role in providing upland property protection against storm damage makes them key components of our economy. State matching grants are a critical component of the funding required to maintain this essential infrastructure. Through the Shoreline Protection Program, Palm Beach County provides publicly accessible beaches, helps maintain the tourist-based economy and protects 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, budgetary restrictions reduced this amount significantly over the past few years, forcing many communities to advance the necessary funding for projects in anticipation of future reimbursements. In the FY 2014, budget allocations were returned above the funding levels outlined in statute (\$47.3 million) and focused on matching federal appropriations, but the backlog of reimbursement allocation continues. The County is requesting inclusion of the following Palm Beach County shore protection projects in the State’s Fiscal Year 2015 Beach Erosion Control Program:

FY 2015 Beach & Inlet Management FUNDING REQUESTS				
No.	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
1	Coral Cove Park Dune Restoration	\$425,000	\$425,000	\$850,000
2	Jupiter/Carlin Shore Protection	\$100,000	\$100,000	\$200,000
3	Juno Beach Shore Protection	\$8,875,000	\$8,875,000	\$17,750,000
4	Central Palm Beach County Erosion Control Project	\$172,000	\$258,000	\$430,000
5	South Lake Worth Inlet Mgmt	\$53,663	\$17,887	\$71,550

6	Ocean Ridge Shore Protection	\$51,300	\$51,300	*\$200,000
7	Boca Raton North Beach Shore Protection	\$ 234,700	\$234,600	*\$757,000
8	Boca Raton Central Beach Shore Protection	\$3,908,900	\$5,489,700	\$9,398,600
9	Boca Raton South Beach Shore Protection	\$886,400	\$926,259	\$1,812,659
10	Boca Raton Inlet	\$384,300	\$128,100	\$512,400
11	Lake Worth Inlet Maintenance Dredging	\$46,500	\$15,500	\$62,000
12	Midtown Beach Restoration	\$7,487,604	\$8,789,796	\$16,277,400
13	Phipps Park Restoration	\$6,851,793	\$10,716,907	\$17,568,700
<b>TOTAL</b>		<b>\$29,346,860</b>	<b>\$36,153,949</b>	<b>\$45,627,359</b>

\*includes federal funding

## **FRESHWATER LAKE RESTORATION \$330,000**

The Chain of Lakes System of Palm Beach County spans 30 miles from West Palm Beach to Delray Beach and includes five major lakes: Pine, Clarke, Osborne, Eden and Ida, as well as a significant portion of the 730 square mile Lake Okeechobee. Palm Beach County’s lakes management goals are to restore fish and wildlife habitat along the lake shorelines, improve water quality, reduce stormwater discharges, and promote public outreach and education. Freshwater projects completed with State appropriations, include creation of shoreline habitat, wetlands restoration, and dredging over 200,000 cubic yards of muck sediments. State grants, along with matching local funding, will be utilized for restoration, nutrient removal and water quality improvements. A new focus on Lake Okeechobee includes efforts to restore native wetlands habitat that would enhance fisheries and wildlife utilization. Since 2009, no State appropriations have been received for freshwater restoration.

### **FLF Funding Requests for Fiscal Year 2015**

<b>FY 2015 Lake Okeechobee FUNDING REQUESTS</b>				
	<b>Project Name</b>	<b>Grant Funding Request</b>	<b>Local Match</b>	<b>Estimated Project Cost</b>
1	Lake Okeechobee Artificial Reef	\$150,000	\$150,000	\$300,000
2	Monitoring and Administration	\$15,000	\$15,000	\$30,000
		<b>\$165,000</b>	<b>\$165,000</b>	<b>\$330,000</b>

## **RENEWABLE ENERGY/ SOUTH FLORIDA CLIMATE CHANGE COMPACT**

### **Background**

Southeast Florida is one of the most vulnerable areas in the country to climate change and sea level rise. Recognizing their shared challenges, Palm Beach, Broward, Miami-Dade and Monroe counties (“Compact counties”) adopted the Southeast Florida Regional Climate Change Compact (“Compact”) in 2010. The Compact includes a commitment to develop and advocate for joint state and federal legislative

policies. Accordingly, the Compact counties have adopted a *State Energy and Climate Legislative Program* each year since 2011.

The following state policies and priorities form the *Southeast Florida Regional Climate Change Compact Counties 2015 State Energy and Climate Legislative Program*:

### Solar Energy

SUPPORT the expansion of existing net metering policies to allow for off-site or “virtual” net metering.

OPPOSE any weakening of existing net metering policies.

SUPPORT legislation and/or constitutional amendments that will exempt solar photovoltaic systems from commercial property assessments and the tangible personal property tax.

SUPPORT legislation allowing Power Purchase Agreements.

SUPPORT existing statutory authority for the Florida Solar Energy Center (FSEC).

### Sea Level Rise and Adaptation

OPPOSE any infringement on local home rule authority to plan for and adapt to future climate conditions, including sea level rise, changing precipitation patterns, and more extreme temperatures.

SUPPORT greater incorporation of adaptation strategies in state climate/energy policies, legislation, and appropriations.

SUPPORT legislation and policies requiring state agencies, water management districts, local governments, and industries regulated by the state (e.g. electric utilities) to consider projected sea-level rise and potential storm surge in all infrastructure and facility-siting decisions.

SUPPORT legislation, programs, and funding that support local governments’ adaptation activities, including the establishment and use of Adaptation Action Areas.

### Energy

SUPPORT integrated resource planning/least cost planning for electric utilities to ensure that energy efficiency and renewable energy sources are fully considered as strategies for meeting future needs.

OPPOSE legislation limiting the ability of the Florida Department of Environmental Protection to craft a State Implementation Plan in response to the US Environmental Protection Agency’s Clean Power Plan.

SUPPORT energy efficiency and renewable energy finance options to advance, local economic development, alternative and renewable energy technologies, and pollution reduction goals.

SUPPORT legislation to establish stringent energy conservation targets and meaningful renewable energy programs for electric utilities.

SUPPORT rebate programs, tax credits, and other financial incentives that encourage property owners to invest in energy efficiency and renewable energy systems.

SUPPORT legislation allowing local energy conservation, renewable energy, and water conservation amendments to an edition of the Florida Building Code to carry over into the next edition, subject to the normal review and modification procedures outlined in the Code.

SUPPORT legislation creating a green bank or state investment fund to finance renewable energy and energy efficiency projects.

SUPPORT renewable portfolio standards for utilities that would require a set percentage of electricity to be generated from renewable energy sources by a given date.

### Water

SUPPORT legislation enhancing the authority and finances of the state's Water Management Districts, in recognition of their vital role in protecting water resources.

OPPOSE legislation centralizing management of water resources at the state level at the expense of the regional Water Management Districts.

SUPPORT legislation expanding the list of priorities used in evaluating proposed projects for State Revolving Fund assistance to include incorporation of nature-based infrastructure.

### Oil and Gas Drilling

OPPOSE relaxation of prohibitions against leases or permits for oil or gas drilling within Florida's territorial seas and the Everglades as described in Palm Beach County Ordinance No. 2010-1071.

OPPOSE legislation authorizing hydraulic fracturing operations near conservation land or drinking water aquifers.

OPPOSE legislation limiting the Florida Department of Environmental Protection's authority to block requests for offshore drilling in federal waters off Florida's coast.

### Everglades Restoration and Land Conservation

SUPPORT legislation and funding supporting complete implementation of the Comprehensive Everglades Restoration Plan and advancing the Central Everglades Planning Project, recognizing that a restored Everglades will help make the region more resilient to sea level rise and extreme weather events.

SUPPORT legislation and appropriations to ensure that funds allocated to the Land Acquisition Trust Fund through the Water and Land Conservation Amendment represent an increase in overall expenditures for conservation and environmental programs.

### Investment Priorities

SUPPORT funding for alternative water supply development through the Water Protection and Sustainability Program.

SUPPORT funding for adaptation planning and no-regrets investments in water management, water supply, conservation land acquisition, transportation, and other infrastructure that provide hazard mitigation and improve immediate and long-term resilience.

SUPPORT prioritized funding for infrastructure investments in Adaptation Action Areas or other areas subject to the impacts of sea level rise.

### Transportation

SUPPORT development of electrical vehicle infrastructure, including statewide policies to streamline siting and permitting of electrical vehicle charging stations, siting of charging infrastructure on state property, and inclusion of electric vehicle models and specifications in the state contract system.

SUPPORT legislation that encourages the adoption of Complete Streets policies by the Florida Department of Transportation and local transportation agencies and the establishment of integrated local and regional networks of non-motorized transportation corridors (such as bike lanes).

SUPPORT legislation that would provide additional local transit connectivity to existing and proposed regional transit systems (i.e., a “first and last mile strategy”).

SUPPORT legislation that supports planning and construction of transit-oriented developments (TODs).

## ***SUPPORT ISSUES***

### **LOXAHATCHEE RIVER PRESERVATION INITIATIVE \$2,720,000**

**BACKGROUND:** The Loxahatchee River is the southernmost tributary of the Indian River Lagoon and includes the North Fork of the Loxahatchee River, one of two nationally designated Wild and Scenic Rivers in Florida. 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.

The Loxahatchee River Preservation Initiative (LRPI) is the outgrowth of a watershed management effort started by the FDEP in 1996. LRPI has a long history of working with the South Florida Water Management District (“SFWMD”) to request and receive legislative appropriations to complete essential restoration. SFWMD is a local presence in the region that understands the system and the benefit each of these projects provide to the River. Given this position, when making the request for legislative funds, it

needs to be identified in the General Appropriations Act that the requested funds go to the Florida Department of Environmental Protection (FDEP) *for transfer to the South Florida Water Management District (SFWMD)*. The approved funds will then be allowed to pass through from FDEP to the SFWMD. Without this language, the contracts have no other option but to be administered by the FDEP.

**Loxahatchee River Preservation Initiative  
Fiscal Year 2015-2016 Projects**

Rank	Legislative			
Order	Project Name	Funding Request	Local Match Funds	Local Sponsor
1	Cypress Creek Weir: Phase I Design	\$85,000	\$85,000	Loxahatchee River District
2	Loxahatchee River Neighborhood Sewering Project	\$373,500	\$373,500	Loxahatchee River District
3	Jupiter Farms Elementary Force Main Project	\$175,000	\$175,000	Loxahatchee River District
4	Cypress Creek Hatcher Restoration Project – Phase II	\$300,000	\$300,000	Palm Beach County ERM
5	Jonathan Dickinson State Park Hydrological Restoration Phase II, FY2015-2016	\$250,000	\$250,000	Jonathan Dickinson State Park
6	Seminole Ave Stormwater Basin Improvements	\$396,000	\$554,437	Town of Jupiter
7	128 <sup>th</sup> Trail N. Drainage Improvement Project	\$58,000	\$84,500	Town of Jupiter
8	Riverbend Park Picnic Island Sewer Line Extension	\$150,000	\$150,000	PBC
9	Moonshine Creek Oxbow Restoration	\$62,500	\$62,500	Jupiter Inlet District
10	Pine Glades Natural Area Habitat Restoration Project	\$225,000	\$225,000	Palm Beach County ERM
11	Open Space at Cinquez Park Hydrologic Restoration	\$300,000	\$675,000	Town of Jupiter
12	Urban Stormwater Management System Rehab Phase VII	\$200,000	\$200,600	Town of Jupiter
13	North Pennock Lane Water Quality Improvements	\$147,500	\$206,535	Town of Jupiter
<b>Totals</b>		<b>\$2,720,000</b>	<b>\$3,342,072</b>	



## **WATER AND LAND CONSERVATION INITIATIVE: AMENDMENT 1**

As Amendment 1 is implemented, the County supports sequestering and prioritizing a portion of the funds for the management and maintenance of environmentally beneficial local government and joint state/local government owned lands, beach restoration, Everglades Restoration, efforts to benefit Lake Okeechobee, Lake Worth Lagoon and the Loxahatchee River, alternative water supply and stormwater projects, and the enhancement of water and wastewater infrastructure for the benefit of the environment and population of Palm Beach County.

Support a portion of the funds being set aside for management and maintenance of local government natural lands, and for restoration of the beaches, Everglades, Lake Okeechobee, Lake Worth Lagoon, and the Loxahatchee River, as well as the enhancement of drinking water supplies for the growing population of our county.

## **EVERGLADES RESTORATION AND FLORIDA FOREVER - \$100 MILLION**

### *Florida Forever*

The Florida Forever Program, which replaced the Preservation 2000 Conservation Lands Acquisition Program, is the blueprint for conservation of the State's natural resources. The Florida Forever program has not been consistently funded by the Legislature over the past few years, which has set back both state and local government efforts to preserve the natural resources and environmentally sensitive lands within the state. To continue with the goals set forth by the Florida Forever Act, consistent funding of the program is essential, either under the Amendment 1 framework or as a stand-alone portion of the budget.

In order for agencies to continue to protect environmentally significant lands and water resources, provide recreational activities and implement local comprehensive plans, funding sources must also be provided to assist in land management. The County additionally supports funding dedicated to the management of local, joint local-state and state-owned conservation lands that are managed by local governments in the form of a flat fee or a percentage of the management costs.

### *Everglades Restoration Funding*

The County supports State funding of at least \$100 million for Everglades Restoration, particularly for shovel ready projects located in Palm Beach County. The County also supports the State's efforts to persuade the Federal government to allocate additional funds for Everglades Restoration.

## **S-155 CONTROL STRUCTURE RECONFIGURATION**

The S155 tidal gate discharges stormwater from the C-51 canal to the Lake Worth Lagoon. It is the largest such structure with the highest discharge volume along the Lagoon.

The stormwater discharges also carry suspended sediments that settle out as muck over the natural shelly-sand substrate of the Lagoon. Muck sediments are easily resuspended, reducing needed light penetration to nearby seagrasses. Sediments coat natural benthic and oyster habitat, leaving large areas devoid of sea life.

Within two miles of the structure, 1.2 million cubic yards of muck has accumulated (~.9cm/yr). Significant federal, state and local funding is being expended to cap the sediment and restore the habitat, but continued discharge must be restricted in order for these projects to remain successful.

A muck trap, built just upstream in concert with Palm Beach County and the City of West Palm Beach, is able to accumulate ~150 tons/year , but the canal carries an average of 8,000 tons of sediment per year (USGS).

The existing S-155 structure discharges from its base. A modified structure could act as an additional muck trap, minimizing further degradation to the Lagoon's resources and dramatically reducing the cost of habitat restoration in the area.

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION – BEACH FUNDING & PERMITTING**

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 Department's efficiency, additional changes are necessary to streamline a program that is vital to both the state and local economies.

- 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.
- Eliminating redundancy in state and federal permit application review would reduce project costs, accelerate the permitting process and eliminate agency conflicts.

## **FLEXIBILITY IN MITIGATION CREDIT GENERATION**

The County **SUPPORTS** efforts to create flexibility in the ability of businesses to obtain mitigation credits for the impacts of proposed projects when those projects are economic drivers for a local economy and will result in a certain level of job creation within the area.

## **ALTERNATIVE WATER SUPPLY, WATER RESOURCE DEVELOPMENT AND INFRASTRUCTURE 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 statewide. Funding was further reduced in 2009 to only \$2.2 Million. Since 2009, the funding level has been zero.

As water and wastewater infrastructure ages, it becomes necessary to repair or replace aged components of the water infrastructure framework, as well as to integrate innovative technologies and approaches to provide high quality water and wastewater service. In its most recent Drinking Water Infrastructure Needs Survey and Assessment, the United States Environmental Protection Agency Identified Significant infrastructure Repairs and Replacements (R+R) that will be required in the decades ahead. The assessment identified nearly \$17 billion worth of upgrades needed in Florida. Provision of high quality water and wastewater provides basic building blocks for economic sustainability and advancement. Municipal and County Governments will require assistance from State and Federal sources to tackle these growing challenges.

The County **SUPPORTS** restoring previous alternative water supply funding through existing mechanisms and creating a new statewide program to provide substantial and perennial funding to:

- Enhance regional and local water resource and supply capacity development
- Provide adequate and reliable long-term funding for water and wastewater infrastructure
- Provide funding for alternative water supply development
- Provide funding for water quality protection and treatment of impaired waters
- Establish a system for prioritizing Alternative Water Supply projects to ensure that funding is utilized in the most efficient manner available

## **REGULATORY FLEXIBILITY/AFFORDABILITY**

In permitting large scale infrastructure projects and achieving compliance with a myriad of regulatory requirements, stakeholders often encounter situations in which resources and efforts are wasted due to the inflexibility of the requirements and inability to craft an approach that allows for the most efficient use of resources to address multi-faceted problems. It is necessary to ensure that, in permitting and regulatory decisions, state regulatory agencies consider the most cost effective solution to deal with regulatory or environmental compliance priorities. Components of the approach should include: identifying inefficiencies between competing requirements and providing flexibility to allow prioritization of projects

as budgets allow, encouraging and providing funding support for innovative technological approaches to achieve compliance, utilizing limited resources to maximize larger community benefits, and encouraging regional cooperation (and public-private partnerships) to determine long term solutions. An example of this effort was the inclusion in the 2013 ocean outfall legislation of consideration of the technical and economic feasibility of achieving 60% reuse and total elimination of outfall discharges by 2025. As the Legislature receives the final reports regarding the ocean outfall and reuse studies that have been required of the Florida Department of Environmental Protection, this focus should be incorporated in any subsequent legislative initiatives. **The County SUPPORTS legislative and regulatory direction to encourage and require the prioritization of projects with an aim towards maximizing expected environmental outcomes.**

### **ASSAULT ON UTILITY WORKERS**

Currently, Florida Statutes provide 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. Proposed legislation, as originally filed in previous sessions, 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 June 2012 there have been several cases of aggravated assault, threats against utility workers and illegal tampering with criminal intent. Each of the cases was investigated as active case files by the Palm Beach County Sheriff's Office.

The County **SUPPORTS** 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.

### **RECLAIMED WATER USE FOR AGRICULTURAL PURPOSES**

During the 2012 Legislative Session, there was an amendment proposed to a reclaimed water bill (HB 639) that would have allowed the use of reclaimed water on vegetable gardens for private residences in South Florida. The amendment died for lack of a sponsor. During the 2014 Legislative Session, SB 536 passed, requiring DEP, DACS and the Water Management Districts, in cooperation with interested stakeholders, to investigate options for expanding the beneficial reuse of reclaimed water throughout the State. Current technology provides an opportunity to treat reclaimed wastewater to standards that would allow for its broad application and use for agriculture when that application and use is permitted in accordance with all public health requirements and environmental standards. The County **SUPPORTS** legislation that would allow for the use of reclaimed water for residential gardens and the broad

application and use of reclaimed water for agricultural purposes, but only if supported by the conclusions of the statewide reuse study mandated by SB 536 and only where the DEP and/or Department of Health concludes that its use is able to be permitted and would not be considered a public health or safety concern.

### **AMENDMENTS TO THE CONSULTANT’S COMPETITIVE NEGOTIATION ACT**

Section 287.055, Florida Statutes, requires state government agencies, municipalities or political subdivisions, school boards and school districts, to select a consulting firm based on qualifications rather than on a “lowest bid” basis. The CCNA allows “continuing contracts,” defined as contracts for professional services entered into in accordance with all the procedures of the CCNA whereby the firm provides professional services for which the estimated construction cost of each individual project under the contract does not exceed \$2 million, the fee for professional services for each individual study under the contract does not exceed \$200,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause.

As County Departments develop project management processes for the implementation of their Capital Improvement Plans, many packages will include construction projects in excess of the \$2 million threshold. The accompanying requirement to undertake the competitive procedures of the CCNA for every project bundle can delay the ability of a Department to efficiently and effectively roll out projects for bid. This results in the expenditure of additional resources and administrative costs to undertake the competitive procedures of the CCNA, delays in getting projects to the street, and negative impacts on private entities that seeking consistent work with the County.

The County **SUPPORTS** legislation amending the CCNA to increase the dollar amounts for construction costs and studies under a continuing contract and to allow for future increases to incorporate inflation.

### **RELOCATION OF UTILITY LINES**

The Palm Beach County Water Utilities Department is frequently forced to relocate lines associated with the implementation of a State road or bridge widening or improvement program, often without having the opportunity to adequately plan for the expenditure. These unbudgeted costs have been identified as a recurring problem for water and wastewater utilities that could benefit from improved interagency coordination and funding support from the State. The establishment of a state funding assistance program would not only provide much-needed relief to local governments, but would significantly stimulate the sector of the economy that supports and provides services associated with the financing, design and construction of new water and wastewater infrastructure projects. The County **SUPPORTS** legislation that enhances communication and collaboration between the FDOT and local governments with respect to the implementation of the transportation work plan, and provides funding assistance to local utilities for line relocation required by road or bridge projects, allowing utilities to direct their limited financial capacity to addressing water supply development and infrastructure needs.

**MAINTAIN PETROLEUM STORAGE TANK COMPLIANCE LOCAL PROGRAM FUNDING**

**Background:** Since 1988 the Palm Beach County Department of Environmental Resources Management (ERM) has contracted with the Florida Dept. of Environmental Protection (FDEP) to administer the Petroleum Storage Tank Compliance Verification Program. During 2012, FDEP moved towards a regional approach with the program and this resulted in ERM receiving approval to expand its program duties into Martin and St. Lucie Counties. The current budget for FDEP’s compliance program is \$5,900,000 and this represents a 41% budget reduction since FY 2010-11. The budget reductions over the past few years have resulted in a decrease in the number of facilities being inspected annually from 100% to approximately 55%. The rationale behind this reduction was that all petroleum storage tank systems are now double walled and less likely to leak, therefore require less frequent inspections. The reality is: \_

- The requirement for double walled storage tank systems began in 1992 and many of the double-walled petroleum storage tank systems statewide are now more than 10 years old.
- 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 inspections.
- Reduced inspection frequencies has decreased compliance rates and increased the chances for petroleum discharges as equipment failures and maintenance issues persist for longer periods before being discovered by inspectors.

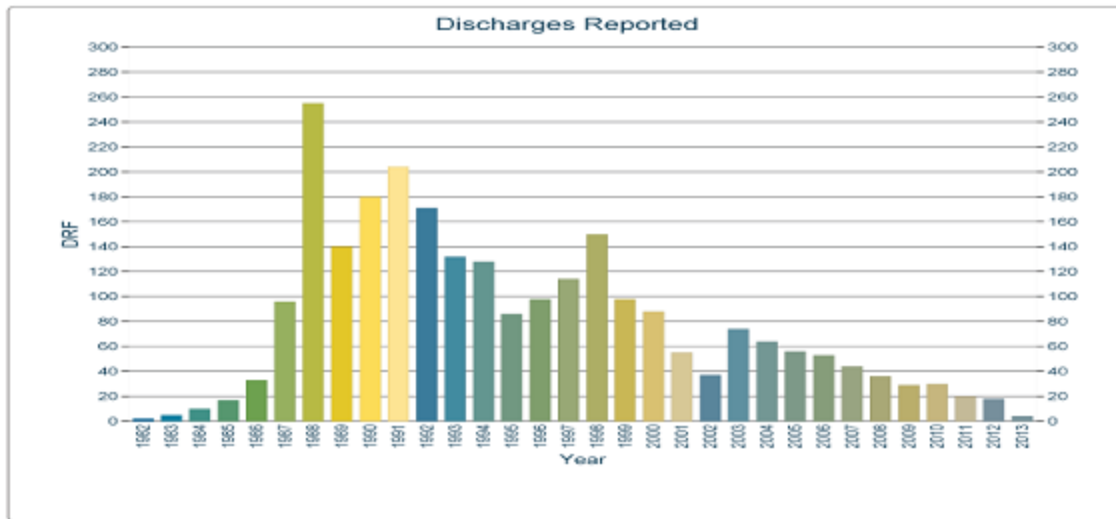
**Recommendation:** Encourage the legislature to continue supporting the Petroleum Storage Tank Compliance Verification Program at the local program level and maintain the current \$5,900,000 budget level resulting in approximately 55% of the facilities being inspected annually. Preferably, restore funding to the FY 2010-11 level of \$10,000,000 and this will result in 100% of the facilities being inspected annually. The Storage Tank Compliance Program provides the first line of defense for protecting the State’s drinking water supplies and early detection of leaks prevents costly clean-up efforts by the property owner.

<b>COUNTY</b>	<b># OF REGULATED FACILITIES TO MANAGE</b>	<b># OF TANKS TO INSPECT</b>
PALM BEACH	1385	2986
ST. LUCIE	357	849
MARTIN	227	508
<b>TOTAL</b>	<b>1969</b>	<b>4343</b>

## MAINTAIN FUNDING FOR THE STATE PETROLEUM CLEANUP PROGRAM

Palm Beach County's local petroleum cleanup program provides supervision of state contractors conducting assessment and remediation of petroleum contamination within the County. The Program also provides enforcement and oversight for non-eligible contamination cleanups. Contamination cleanups in Palm Beach County are overseen by an experienced local program staff who knows the local geological formations. 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. If the petroleum contamination cleanup process is discontinued, the threat to local drinking water supplies will increase significantly.

*Recommendation:* Encourage the FDEP to assign more sites to high performing counties by reducing the priority score funding range on a regional basis. This will result in a significant increase in the number of contamination cleanups and reduce the state's backlog. Compensation must be commensurate with the level of effort required so that local programs are no longer operating a state program at an added cost to the local communities.



It should be noted that local programs have accounted for an estimated 75% of the total number of sites cleaned up. Palm Beach County staff has supervised cleanup of approximately 50 sites per year since 1988.

## **FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM**

The Florida Department of Environmental Protection administers the Florida Recreation Development Assistance Program (FRDAP). 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. This grant program has two funding thresholds, the Large Project Fund provides grants of up to \$200,000, and the Small Project Fund provides grants of up to \$50,000. In 2014/2015 the state approved \$2,479,820 in funding with proviso language that all the money was to fund municipal projects of \$50,000 or less. In 2013/2014 the state provided only \$642,000 in funding and FRDAP was not funded during the 2012 Legislative Session. 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/cities. The County recommends restoring FRDAP funding to levels that funds at least the top twenty projects in The Large Project Development list.

Palm Beach County Parks and Recreation submitted two FRDAP applications last year for Large Development projects and while both projects scored well no Large Project Funds were appropriated.

- Improvements at John Prince Park (Mound Circle Area Improvements) totaling \$200,000
- Improvements at Okeehelie Park South (Trails, Boating Center) totaling \$200,000

The FRDAP Administrative Rule is in the process of being revised, and until this revision is approved by the state's Joint Administrative Rule Procedure Committee (JAPC), the new date for the application submissions will not be established.