

**FLORIDA LEAGUE OF CITIES**

**2011**

**LEGISLATIVE  
ACTION AGENDA**



**T**he Florida League of Cities is the champion of home rule in Florida. Florida's constitution empowers citizens with the right of local self-government, or home rule. Cities are the embodiment of this right. Cities are formed by citizens and are governed by citizens. They administer the local affairs of the community for the special benefit

of the city's residents. The form of government and level of services a city provides are fundamental expressions of home rule. Home rule is why no two cities are alike. Florida's city residents take pride in this diversity and responsibility. Strong home rule powers ensure that government stays close to the people it serves. Intrusion on home rule from the state or federal government undermines the constitutional right of local citizens to govern themselves.



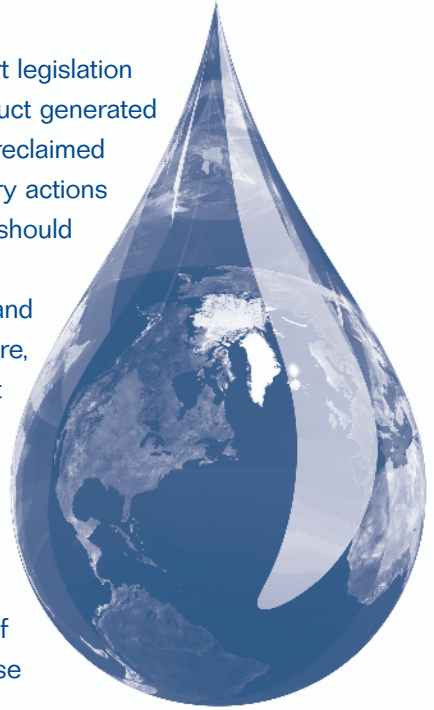
The Florida League of Cities opposes unfunded mandates from any level of government. An unfunded mandate is when one government forces another level of government to take some action that spends or reduces revenue, without providing any resources to offset the impact. Unfunded mandates are the antithesis of government transparency. Mandates conceal the connection between the taxes city residents pay and the services they receive. Unfunded mandates cause local city leaders to be held accountable for decisions made by others who live far away and who are not accountable for the fiscal impact on local taxpayers. The Florida Constitution prohibits unfunded mandates from state government except under certain conditions. This provision was added to the constitution in 1990 after Floridians became fed up with being forced to pay for state programs with local tax dollars. Yet in spite of the clear preference of Florida's residents, unfunded mandates have continued with increasing frequency.

# 2011 Florida League of Cities Legislative Action Agenda

## RECLAIMED WATER

### LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation clarifying that reclaimed water is a product generated by a utility treatment process. As such, reclaimed water should not be subject to regulatory actions by the water management districts, but should remain available for use as an integral element of a utility's water supply plan and permitted discharge strategy. Furthermore, the Florida League of Cities will support legislation which provides that any quantities of water made available by the use and/or generation of reclaimed water should be allocated to the reclaimed water provider, and which supports the home rule powers of a municipality to create "mandatory reuse zones" within its jurisdiction.



## ALTERNATIVE AND RENEWABLE ENERGY

### LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation that incentivizes the development and implementation of a meaningful statewide renewable and alternative energy policy and that encourages the development of new technologies to help create jobs and industries in Florida. Such energy policy shall include a renewable energy minimum standard and should provide tax incentives for the use of renewable energy sources, enhance competitive procurement by public entities of all renewable energy supplies, and ensure the ability of Florida municipalities to obtain

and use renewable energy. The policy should also encourage mass transit, transit-oriented development policies and other transportation-related energy-efficiency practices; and provide technical assistance and funding sources for local governments to assist in the development and implementation of state energy policies including public education programs, sustainable building, contaminant emission reduction strategies, and other policies as part of a comprehensive sustainable statewide energy policy.

## **REVENUE AND EXPENDITURE CAPS**

### **LEGISLATIVE PRIORITY**

The Florida League of Cities opposes state-mandated revenue or expenditure caps. State-mandated caps usurp the home rule powers of municipal residents to self-determine the form of their government and their desired level of service. A cap would be unworkable for any level of government in Florida, unless such proposal, at a minimum:

- 1.** Applies to either revenues or expenditures, but not both;
- 2.** Includes a “time-out” provision in case it becomes necessary to suspend the cap proposal due to unusual economic circumstances; and
- 3.** Reflects the true level of inflation incurred by Florida governments in providing services.



Further, if the Legislature chooses to reject home rule and instead mandate caps on local governments, any such proposal should, at a minimum:

1. Exclude any resources committed to complying with a mandate imposed by another level of government;
2. Apply equally to the state and all types of local government; and
3. Exempt the following revenue sources:
  - Proprietary, special revenue and fiduciary funds;
  - State and federal funds, such as grants, which are not controllable;
  - Referendum revenues;
  - One-time revenues including but not limited to donations, sales of property, settlement of disputes, insurance proceeds, etc.;
  - Revenues not subject to the control of the receiving government;
  - Revenues committed to the repayment of debt;
  - Franchise fees, rental fees, impact fees, permit fees and other contractual revenues for which a direct service is provided in exchange;
  - Revenues from voluntary recreational fees or similar entertainment-related fees;
  - Revenues received in response to a catastrophic event; and
  - Revenues related to defensive litigation, workers' compensation claims or other risk-management activities, which are not controllable.

## **MUNICIPAL POLICE OFFICER AND FIREFIGHTER PENSION PLANS**

### **LEGISLATIVE PRIORITY**

The Florida League of Cities will support legislation that provides comprehensive municipal firefighter and police officer pension reform. Pension mandates directly conflict with the Legislature's desire to limit government spending. Any comprehensive pension-reform package should, at a minimum, address the following:

- Require that determinations of average final compensation in defined-benefit pension plans include salary only, and do not include pay for overtime, unused leave time or any other additional payments;
- Allow recipients (cities and special districts) of insurance premium tax revenues under Chapters 175 or 185, Florida Statutes, to use these funds to pay for the costs of current plans and to lower required plan contributions from the plan sponsor;
- Allow cities to convert firefighter and police officer defined-benefit pension plans operating under Chapters 175 or 185, Florida Statutes, to the Florida Retirement System (FRS) or another type of plan without losing insurance premium tax revenues;
- Allow cities desiring to place their public safety officers into the Special Risk Class of the FRS the opportunity to purchase past credit service at an up to 3 percent annual accrual rate rather than the current up to 2 percent;
- Allow deviation from state requirements if agreed to by the employees or their union;
- Restrain the Florida Division of Retirement's non-rule-based administrative activities and restrict the division's broad interpretations of the provisions in Chapters 112, 175 and 185, Florida Statutes, that result in increased costs to pension plan sponsors;
- Change the governance structure of pension boards of trustees to move away from having plan participants serve on the boards; and
- Provide flexibility to local governments in the FRS by allowing them to either retain a standard defined-benefit plan, or at the employer's option move to a different retirement plan, such as a hybrid or modified "defined-benefit/defined-contribution" plan.

# GROWTH MANAGEMENT

## LEGISLATIVE PRIORITY

The Florida League of Cities supports legislation that:

- Defines a role for the Florida Department of Community Affairs or its equivalent to provide local governments technical assistance while limiting regulatory powers to only those issues requiring interregional coordination;
- Streamlines growth management processes, including reporting requirements, particularly for fiscally constrained or built-out municipalities; and
- Acknowledges municipal home rule powers in the local application of the pending ordinance doctrine as established by the courts.



# TRANSPORTATION

## LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation that provides proportionate, dedicated and recurring revenue sources for multi-modal municipal and regional transportation projects to ensure that local conditions and needs are addressed. The League will support legislation that:

- Alters the current taxing authority for the 2nd local option gas tax (ELMS Nickel) to authorize cities to levy – by referendum – up to 2 cents of the existing 5-cent local option gas tax authorized by statute;
- Authorizes the Florida Department of Transportation to increase funding to support local and regional transportation and transit alternatives, including “complete street” programs; and
- Prohibits the transfer of State Transportation Trust Funds for non-transportation purposes.



# UNFUNDED MANDATES

## LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation that strengthens the prohibition on existing and new unfunded mandates, requires enhanced staff analyses of quantification of the costs to cities, and ensures full state funding sources be assigned whenever unfunded mandates are identified.

# ECONOMIC DEVELOPMENT

## LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation that strengthens Florida's economy through the creation of jobs. Such legislation should:

- Enact an urban economic development policy for the State of Florida;
- Attract businesses for relocation and/or expansion in Florida's urban settings by enacting measures that will promote Florida as a nationally recognized leader in favorable business tax climates;
- Preserve and promote affordable or workforce housing and appropriate all housing trust fund monies to existing housing programs and remove the cap on distributions into the Sadowski Trust Fund;
- Fund urban public infrastructure projects through various means, such as the leveraging of private investments through state tax credits;
- Establish public/private partnerships to promote redevelopment and encourage infill development, preservation and reuse in Florida's cities;
- Create a highly skilled workforce by investing in educational initiatives that reflect the needs of existing and emerging business markets; and
- Solicit additional federal tax credits for environmentally sustainable and affordable housing and local government infrastructure.



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## **EFFECTIVE PUBLIC NOTICE**

### **LEGISLATIVE PRIORITY**

The Florida League of Cities will support legislation authorizing municipalities to provide effective public notice and advertising for various matters, not to include ad valorem taxation millage setting, by means other than newspapers. Effective public notice may include, but is not limited to, direct mailings, physical posting of property, Internet posting, free publications, government-access television channels and other suitable alternatives.

## **SUBSIDIZED INSURANCE COVERAGE FOR RETIREES**

### **LEGISLATIVE PRIORITY**

The Florida League of Cities will support legislation that removes statutory requirements for cities and other public employers to offer subsidized health, hospitalization and other insurance coverages for retirees.

# 2011 Key Dates



## January

- 11-13** House/Senate Interim Committee Week
- 25-27** House/Senate Interim Committee Week

## February

- 7-10** Florida League of Cities Federal Action Strike Team (FAST) Fly-In – Washington, D.C.
- 8-10** House/Senate Interim Committee Week
- 15-17** House/Senate Interim Committee Week
- 22-24** House/Senate Interim Committee Week

## March

- 8** Opening Day of the 2011 Regular Legislative Session
- 13-17** National League of Cities Congressional City Conference, Washington, D.C.
- 22** Florida League of Cities Legislative Action Day – Tallahassee-Leon County Civic Center, Tallahassee

## May

- 6** Last Day of 2011 Regular Legislative Session

## August

- 11-13** Florida League of Cities Annual Conference – Orlando World Center Marriott

## November

- 17-18** Florida League of Cities Legislative Conference – Hyatt Regency Orlando International Airport Hotel

## December

- 8-12** National League of Cities Annual Congress of Cities and Exposition, Phoenix, Az.



# 2011 Florida League of Cities Lobbying Team



**Rebecca O'Hara**  
**Director**

Legislative Affairs and Communication Department  
E-mail: [rohara@flcities.com](mailto:rohara@flcities.com)  
All State Issues  
Public Affairs and Communication



**John Thomas**  
**Director**

Policy and Political Affairs Department  
E-mail: [jthomas@flcities.com](mailto:jthomas@flcities.com)  
Federal Issues  
Policy and Political Affairs



**Kraig Conn**  
**Deputy General Counsel and Legislative Counsel**

Legal Department  
E-mail: [kconn@flcities.com](mailto:kconn@flcities.com)  
Billboards  
Finance & Taxation  
Constitutional Issues  
Elections  
Employee Relations  
Ethics  
Insurance Premium Tax  
Insurance  
Retirement/Pension Issues  
Telecommunications  
Workers' Compensation



**Casey Cook**  
**Legislative Advocate**

Legislative Affairs and Communication Department  
E-mail: [ccook@flcities.com](mailto:ccook@flcities.com)  
Growth Management  
Property Rights  
Impact Fees  
Public Safety  
Building Code/Construction  
Transportation  
Highway Safety  
Rights of Way



**Scott Dudley**

**Associate Director, Legislative Affairs**

Legislative Affairs and Communication Department

E-mail: [sdudley@flcities.com](mailto:sdudley@flcities.com)

Environmental

Energy

Hazardous Materials

General Utilities/Fees

Solid Waste

Stormwater

Water Quality/Wastewater

Water Supply/Policy



**Kenneth Pratt**

**Legislative Advocate**

Legislative Affairs and Communication Department

E-mail: [kpratt@flcities.com](mailto:kpratt@flcities.com)

Community Redevelopment

Economic Development

Emergency Management

Eminent Domain

Homeland Security

Housing

Special Districts

Public Meetings and Public Records

Purchasing

Quasi Judicial/Public Access

Ordinance/Code Enforcement

Annexation

Charter Counties



**Rose Hall**


**Administrative Assistant**

Legislative Affairs and Communication Department

E-mail: [rhall@flcities.com](mailto:rhall@flcities.com)

General Legislative Questions





**T**his brochure reflects the priorities of 410 municipalities, as prepared by the five legislative policy committees and adopted by the full membership at the Florida League of Cities 50th Annual Legislative Conference on November 19, 2010, in Orlando.

## **2010-2011 Officers**

### **President**

Mayor Joy Cooper, Hallandale Beach

### **First Vice President**

Mayor Patricia Bates, Altamonte Springs

### **Second Vice President**

Mayor Manny Maroño, Sweetwater

The Florida League of Cities, Inc., formed in 1922, represents the municipalities of Florida. Its mission is to concentrate the influence of all city, town and village officials upon other policymaking bodies for the purpose of shaping legislation and public policy, sharing the advantages of cooperative action, and exchanging ideas and experiences.

For more information on the League's legislative initiatives, please contact:

### **Florida League of Cities**

P.O. Box 1757

Tallahassee, FL 32302-1757

Phone: (850) 222-9684

Fax: (850) 222-3806

Visit the League's Web site at [www.flcities.com](http://www.flcities.com).