

Date: January 21, 2015

To: Mayor Marco A. Salvino, Sr.  
Vice Mayor Bobbie H. Grace  
Commissioner Chickie Brandimarte  
Commissioner Walter B. Duke, III  
Commissioner Albert C. Jones

From: Robert Baldwin, City Manager 

Re: Dania Beach 2015 Legislative Action Agenda

Attached for your review and adoption is our 2015 Legislative Action Agenda. The document was designed primarily to express the City's general position on matters before the Florida State Legislature. It incorporates some of the recent positions of the Florida and Broward League of Cities. Our action agenda includes:

- The document is designed as an educational tool to give background into the City's position.
- The City's positions flow primarily through our belief in the concept of Home Rule and our position to oppose and discourage Unfunded Mandates from Tallahassee.
- The Broward League of Cities past position is to levy a special assessment for law enforcement, whereas our position is a special assessment more broadly for public safety.
- We included state regulation of pain clinics, updated to include electronic database and drug monitoring
- We included a provision that School Resource Officers/Deputies be funded by the State.
- We included a regulation to prohibit portability of pari-mutuel licenses.
- We support legislation to allow a condemning authority to transfer property obtained through eminent domain to a private party if condemned under a noise mitigation program.
- Increased funding for the statewide beach management program.

City Commission adoption of this plan is requested.

# City of Dania Beach 2015 Legislative Action Agenda

## Home Rule

Home rule authority is the concept that local government is the closest to its citizens and the City Commission, as the duly elected local representative body of the citizens, is the proper authority to determine the needs of the community.

Most direct services to citizens come from City government. The City supports maintaining home rule authority and opposes any legislation that diminishes home rule.

## Unfunded Mandates

Unfunded mandates are legislative programs, projects or other requirements that are created by the State (or Federal) government requiring City governments to expend local revenues to enforce or implement.

The City of Dania Beach supports legislation that requires thorough State analyses and identification of fiscal impacts of legislation affecting cities. Further, the City supports legislation that prohibits new unfunded mandates and identifies State funding sources when unfunded mandates are identified.

## Revenue, Expenditure and Financial Issues

The City of Dania Beach supports legislation that protects the City's financial stability, revenues, and service-levels reflecting the needs of the residents of Dania Beach. This includes, opposition to state-mandated revenue or expenditure caps; support of legislation that provides comprehensive employee pension reform; and removes statutory mandates to offer subsidized insurance coverage to retirees.

### **-Revenue and Expenditure Caps**

State-mandated revenue caps ignore the concept of Home Rule and restrict citizens' ability to receive levels and methods of service they desire.

The City of Dania Beach opposes State-mandated revenue or expenditure caps.

### **-Public Safety Special Assessment**

Public safety services typically account for more than 50% of a cities general fund budgets. Though the public supports high quality public safety services, the cost is becoming a concern to taxpayers. That cost is funded as part of the general ad valorem taxes with other city services.

The City of Dania Beach supports legislation that enables municipalities to levy a revenue-neutral, voluntary special assessment for public safety services.

### **-Pension Reform Legislation**

Pension costs are creating a large financial liability for cities and their taxpayers throughout the State of Florida. Current, costly pension mandates conflict with the Legislature's expressed desire to limit government spending.

The City of Dania Beach supports legislation that provides comprehensive municipal pension reform.

### **-Subsidized Retiree Insurance Coverage**

Statutory requirements for public employers to offer ongoing subsidized health, hospitalization, and other insurance coverage for retirees has become onerous.

The City of Dania Beach supports legislation that removes statutory requirements for cities to offer insurance coverage to retirees.

### **Water Supply Funding**

The City of Dania Beach supports legislation that improves the development and financing of water supply, quality and infrastructure needs. This includes funding for water resource development, reclaimed water, storm water retention strategies, and general water governance:

#### **-Reclaimed Water**

The City supports legislation removing reclaimed water from regulatory actions by water management districts allowing it to remain available for use as an element of a city's water supply plan and permitted discharge policy. Reclaimed water should be allocated to the water utility allowing municipalities to create mandatory reuse zones within their jurisdictions.

#### **-Storm Water Retention Strategies as Alternative Water Supply**

The City of Dania Beach support legislation that allows utilities to utilize storm water capture and storage systems as a means of augmenting public water supplies and improving environmental conditions in coastal waters. The City supports legislation allowing the State and water management districts to offer assistance in funding, legal and operational support toward the goal of developing storm water retention systems for water supply purposes.

#### **-Water Governance**

The City of Dania Beach supports legislation that enhances a city's participation in water management district regulatory policies.

### **Marine Economic Zone**

Marine industries are vital to the economy and quality of life in Florida. Marine industries including marinas, boating, yachting, dredging and related activities must be protected.

The City of Dania Beach supports legislation recognizing the importance of marine industries in the region and endorses mitigation alternatives with particular regard to dredging.

### **Working Waterfronts**

Access to water bodies, waterways, and recreational water activities are an invaluable resource in Florida. Water body access and opportunities require protection by government.

The City of Dania Beach supports legislation that increases funding sources and provisions to assist local government in obtaining properties to preserve or improve public access to Florida waterways and water bodies; preserving recreational and commercial working waterfronts; and constructing, improving, and maintaining boating projects and infrastructure.

### **Pain Clinics**

Problem pain clinics are medical clinics that distribute large volumes of prescription pain medication with little supervision or regulation by government causing potentially unscrupulous dissemination of drugs. The proliferation of these clinics caused the City of Dania Beach to enact its own ordinance to restrict operation of these clinics in the City. These clinics are a statewide problem and are better regulated through state statutes.

The City of Dania Beach supports State legislation restricting and regulating pain clinics, as well as legislation pertaining to electronic database and drug monitoring.

### **Growth Management and Transportation**

In 2010, voters rejected Amendment 4 to the Florida Constitution, requiring voters to approve all local comprehensive land use plan changes, preferring to continue to allow their local elected representatives to understand growth issues and make responsible decisions in line with Home Rule Authority. Additionally, Dania Beach is the primary transportation hub of Broward County with Port Everglades, the Atlantic Ocean, the Intracoastal Waterway, the International Airport, the FEC and CSX railways, Interstates I-95 and I-595 and various roads and waterways.

The City of Dania Beach supports legislation limiting State regulatory power to issues requiring interregional coordination; streamlining growth management processes and reporting requirements for fiscally constrained and built-out cities; and acknowledging home rule powers in the local application of the pending ordinance doctrine as established by the courts. The City supports legislation enhancing and protecting transportation and the utilization of land use policies that encourage the development of mass transit and establishment of a transportation funding allocation directly to City governments.

### **Economic Development**

The downturn in the national, state, and local economies has created serious budgetary and financial concerns for local governments and their taxpayers. Strong, effective policy leadership is essential to improve economic conditions and create employment and business opportunities.

The City of Dania Beach supports legislation that creates a comprehensive State economic development policy, enacts measures to promote and attract favorable business development, promote tourism and develop tourist-related industries, improve boating and marine industries opportunities, and improves the development of Casino gambling-related industries and activities.

### **School Resource Officers/Deputies**

School Resource Officers/Deputies are police officers and deputy sheriffs that are assigned to public schools for maintaining the safety of the children and staff of area schools. In some counties the County School Board provides the funding or staffing of School Resource Officers. In Broward, local municipalities bear much of the cost for school resource officers/deputies. Funding of school resource officers/deputies is not the responsibility of City government.

The City of Dania Beach supports funding of school resource officers/deputies through State lottery and gambling revenues to the County School Boards, with the full responsibility of 100% funding through the County School Board.

### **Alternate and Renewable Energy**

Alternate and renewable energy sources are forms of energy that differ from traditional forms of energy (e.g., fossil fuels, nuclear) that have no or diminished undesired environmental consequences (e.g., wind, solar, geothermal, hydroelectric, etc.) They lessen pollution and carbon emissions and naturally replenish.

The City supports legislation that encourages the development and implementation of a meaningful, cost-effective, statewide renewable and alternative energy policy that encourages the development of new and efficient technologies to help create jobs and industries throughout Florida in line with the action agenda of the Florida League of Cities.

### **Public Notice Alternatives**

Methods of effective communication with citizens have changed over the years. Citizens often receive information through direct mailing, physical posting of property, the Internet postings, publications, television, etc.

The City of Dania Beach supports legislation that authorizes municipalities to promote effective public notice for various matters via additional methods other than solely newspapers.

### **Gaming**

Various gaming interests have proposed legislation that allow for the proliferation of gaming in the state which includes the transfer of pari-mutuel gaming licenses. Broward County is has four pari-mutuel gaming sites and Seminole Tribe gaming facilities. Dania Beach is home to Dania Jai Alai.

The City of Dania of Beach opposes regulations that support portability of pari-mutuel licenses. The City of Dania Beach supports legislation that puts Dania Jai Alai on a competitive plane with other gaming interest in the County.

### **Eminent Domain**

Current regulation prohibits the transfer of property obtained through eminent domain to a private party for ten years. The expansion of the south runway at Fort Lauderdale-Hollywood Airport resulted in the taking of property. The reuse of this property by the private sector for more compatible airport related uses would benefit the residents of Dania Beach if the time prohibition for transfer is abolished.

The City supports legislation to allow a condemning authority to transfer property obtained through eminent domain to a private party if condemned under a noise mitigation program.

### **Beach Management Funding**

Beaches are the engine that drives Florida's tourism economy. Beaches are Florida's Number 1 tourist attraction – 91.4 M out-of-state visitors traveled to Florida. 38.4 M, or 42% were beach-oriented visitors. Economic benefits of beach tourism were \$55.2 billion in sales added to Florida's economy. State funding in the current amount of \$30 M is no longer sufficient to sustain the statewide beach management program..

The City supports legislation to provide for new and greater funding for the statewide beach management program.

### **Florida League of Cities 2015 Legislative Action Agenda**

Florida League of Cities 2015 Legislative Action Agenda is attached.

### **Broward League of Cities 2015 Legislative Action Agenda**

The Broward League of Cities 2015 Legislative Action Agenda is attached.

## Broward League of Cities

### Mission

The Broward League of Cities is a recognized 501(c)(4) non-profit organization, which was incorporated in 1957 and serves all of Broward County's municipalities. League membership includes elected municipal officials representing more than 1.7 million residents and over 90 associate government, non-profit, and business organizations.

### 2014 Legislative Committee

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Mayor Gary Resnick, *Wilton Manors*

#### Vice Chair

Commissioner Jim Norton, *Weston*

Commissioner Patricia Asseff, *Hollywood*  
Commissioner M. Margaret Bates, *Lauderhill*  
Commissioner Dan Daley, *Coral Springs*  
Commissioner Thomas Dorsett, *West Park*  
Commissioner Bobby DuBose, *Fort Lauderdale*  
Commissioner Lisa Mallozzi, *Cooper City*  
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Commissioner Donald Rosen, *Sunrise*  
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Evan Goldman, *Children Services Council*

Johanna Lundgren, *Weiss Serota et al*

Heather Kurstin, *FAU*

Marcie Nolan, *Becker & Poliakoff*

Nora Rupert, *Broward County School Board*

Samantha Senne, *Floridian Partners*

Mark Tomczyk, *Keith & Schnars*

Dave Wallace, *United Way*

### Officers

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Vice Mayor Lisa Aronson  
*City of Coconut Creek*

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## Broward County League of Cities 2014 Legislative Action Plan

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## Broward County League of Cities 2014 Legislative Action Plan

### Education

#### Public Education Funding

The Broward County League of Cities **supports** the funding of the capital outlay needs of municipally-run charter schools as provided pursuant to Section 1013.62, F.S., to correct inequalities without removing current revenues from public school districts to provide every Florida child with an appropriate public school education.

#### Public School Construction

The Broward County League of Cities **opposes** legislation that pre-empts local authority over the siting of charter schools.

#### Graduation Rates

The Broward County League of Cities **supports** state funding for initiatives and other innovative programs that increase graduation rates.

### Sustainability

#### Water Infrastructure

The Broward County League of Cities **supports** state funding for water infrastructure projects, including replacement of aging infrastructure; creation of water storage, treatment and reuse systems; development of alternative water supply projects; elimination of discharges from ocean outfall systems; water quality improvements; and investment to increase resilience to extreme weather events and the impacts of sea level rise.

#### Sober Homes & Group Homes

The Broward County League of Cities **supports** legislation that defines and establishes statewide minimum regulatory standards for properties used for “sober home” and “group home” purposes, and allows for more stringent local regulation of such properties.

#### Growth Management

The Broward County League of Cities **supports** growth management for community and regional planning and opposes further state preemption of local discretion over its implementation.

#### Marriage Equality

The Broward County League of Cities **supports** legislation that provides marriage equality for all residents of the State of Florida, including same sex couples.

#### Transportation

The Broward County League of Cities **supports** legislation that provides increased funding to municipalities for transportation choices and allows flexibility in the use of those funds.

### Fiscal Stewardship

#### Safe Neighborhood Districts

The Broward County League of Cities **supports** legislation that would allow neighborhood improvement districts to incur indebtedness, subject to referendum approval.

#### Required Public Notice Advertising in Newspapers

The Broward County League of Cities **supports** legislation authorizing local governments the option of using their publicly accessible websites for legally required public notices and advertisements in lieu of newspapers.

#### Communications Services Tax/ Local Business Tax

The Broward County League of Cities **opposes** legislation that modifies the Communications Services Tax or the Local Business Tax in a way that would have a negative fiscal impact on municipalities.

### Public Safety

#### Regulation of Firearms on Municipal-Owned Property

The Broward County League of Cities **supports** legislation that, except as otherwise expressly prohibited by the State Constitution, allows a county or municipality to regulate the field of possession of firearms on property owned by such municipality or county.



Florida League of Cities

2015

Legislative Action Agenda





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The 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. 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 to be passed onto cities by the Legislature.

# 2015 Florida League of Cities Legislative Action Agenda

## Municipal Pension Reform

### CONTACTS:

Amber Hughes  
and Kraig Conn

The Florida League of Cities **SUPPORTS** legislation that protects municipalities' Home Rule powers to set and fund municipal employee benefit levels, and specifically provides:

- comprehensive pension reform, including elimination of the extra benefit requirement;
- disability presumption reform; and
- a mechanism for municipalities to revoke their participation in the Florida Retirement System.

The League also **SUPPORTS** legislation that provides municipalities with flexibility in the use of insurance premium taxes, as currently interpreted by the Department of Management Services.

### BACKGROUND:

#### MUNICIPAL POLICE AND FIRE-FIGHTER PENSION PLANS

Prior to 1999, cities were largely free to bargain with local police and fire unions, or provide for non-unionized police and firefighters, pension benefits that best fit the priorities and needs of the city and its police and firefighters. In 1999, the Legislature amended Chapters 175 and 185, Florida Statutes, requiring that additional insurance premium tax revenues (IPTR) over a base amount be used to provide only extra pension benefits to police officers and firefighters. Since enacted, this



mandate has required cities to provide more than \$520 million in new, extra pension benefits to police officers and firefighters. This mandate is not sustainable. Rather, cities need the flexibility to use IPTR for the current or a decreased level of police/fire pension benefits to meet city budget constraints.

Beginning in August 2012, the Florida Department of Management Services (DMS) issued a letter to the City of Naples that reflects a fundamental change in the DMS's interpretation on the use of IPTR. Prior to this letter, the DMS had taken the position that if a city reduced any pension benefit below the statutory minimum benefits or below the plan benefit levels in effect in 1999, the city would be ineligible for future premium tax revenues. In the Naples letter, the DMS acknowledges that its prior interpretation "appears inaccurate." Since that point, more than 33 municipalities have received similar letters from the DMS.

CS/SB 246 (Ring and Bradley), HB 7179 (House State Affairs Committee) and HB 7181 (House State Affairs Committee) were the municipal police and fire pension bills for 2014. The bills were heavily amended to incorporate language relating to a concept agreed to by the League and representatives of the police and firefighter unions. In broad terms, the bills were designed to establish a two-step process regarding the use of IPTR under Chapters 175 and 185, Florida Statutes. Under the bills, the current law relating to defining an extra benefit and requiring a portion of IPTR to be used for extra benefits was removed. In its place, the bills would have allowed cities and unions (or police/fire plan members if there is no union) to mutually consent to the use of IPTR for retirement benefits, including any accumulation of tax revenues not yet used for benefits. If mutual consent was achieved, the other provisions of the bills relating to any required use of IPTR were not applicable. Rather, the parties had mutually consented until the next collective bargaining cycle or until mutual consent was revoked. However, if mutual consent could not be achieved, there was a statutory default process or a reversion to a statutory IPTR distribution process. The default or statutory IPTR distribution process was intentionally drafted by the bill sponsors to be very complicated and potentially costly to the city and police/fire pension plan members, and thereby provide an incentive to the parties to seek a mutual consent on the use of IPTR and avoid the statutory distribution process. CS/SB 246 died in House

messages. HB 7179 passed the House State Affairs Committee but died in the House. HB 7181 died in Senate messages.

## **DISABILITY PRESUMPTION**

In Florida, there is a disability presumption for firefighters, law enforcement officers and correctional officers relating to health conditions from heart disease, hypertension or tuberculosis. This means that disability claims under workers' compensation and disability pension for these health conditions are presumed to be job related.

## **FLORIDA RETIREMENT SYSTEM**

Municipal participation in the Florida Retirement System (FRS) has been voluntary since 1970.

Approximately 150 municipalities participate in various membership classes, but they make up less than 5 percent of the members of the FRS. FRS membership classes include: Special Risk (Police and Fire), General Employees, Elected Officials and Senior Management. After opting-in, current and future employees are compulsory members of the FRS. The last "opt-out" for municipalities occurred in 1996 and was authorized for new employees only. Approximately 50 municipalities and independent special districts opted-out during this window.

Florida's municipal Home Rule authority should be restored by removing the unfunded mandate requiring municipalities to provide "extra benefits" to the police and firefighter pension plans. Negotiations between the city and the bargaining unit, not the Legislature, should decide pension benefit levels and the flexibility to fund those retirement benefits. Municipalities in Florida are diverse. It should be up to each city to determine what retirement benefits are sustainable and are affordable to its citizens. ■



## Communications Services Tax and Local Business Tax Protection

### CONTACT:

Amber Hughes

The Florida League of Cities **SUPPORTS** legislation that protects general revenues collected from the communications services tax and the local business tax. These revenues are used to provide essential municipal services, such as public safety and constructing and maintaining roads and bridges, public parks and open spaces. Maintaining a diversified revenue base strengthens the fiscal stability of local governments and improves their ability to serve citizens and businesses.

### BACKGROUND:

#### COMMUNICATIONS SERVICES TAX

In 2001, the Florida Legislature restructured taxes on telecommunications, cable, direct-to-home satellite and related service under the Communication Services Simplifications Act. This act replaced and consolidated seven different state and local taxes and fees into a single tax that has two centrally administered parts, the state and the local communications services tax (CST). The CST is one of the main sources of general revenue for municipalities, providing them with nearly \$500 million each year. These revenues may be used for any public purpose, including pledging the revenues to secure bonds.

In 2014, Gov. Rick Scott promised to cut taxes by \$500 million. Included in that discussion was a reduction of the state CST rate. CS/SB 266 (Hukill) would have reduced the state CST rate by 0.58 percent. This bill would not have reduced the rate or anticipated revenues collected from the local CST, which is directly levied by cities and counties. However, reducing the state portion of the CST would have had a recurring negative fiscal impact



of approximately \$3.2 million to cities. This estimated fiscal impact would be from revenues the state shares with municipalities. CS/SB 266 died in committee. Supporters of this proposal argued that a reduction in the rates would have been beneficial to consumers because they think the current combined rate of the gross receipts, state and local CST rates are too high.

The Legislature passed HB 5601 (House Finance and Tax Subcommittee and Workman), which amended and revised the definition of “prepaid calling arrangement” to clarify the services included under that definition and that are therefore subject to a sales tax. Under HB 5601, this new definition will be applied retroactively. As a result of this change, prepaid calling arrangement sales previously subject to the CST are now subject only to the sales tax.

### **LOCAL BUSINESS TAX**

Currently, a municipality may impose a local business tax for the privilege of engaging in or managing a business, profession or occupation within its jurisdiction. The amount of the tax, as well as the occupations and businesses on which the tax is imposed, is determined by the local government. Local business tax revenues collected by local governments are used to assist funding of services critical to business, such as zoning, permitting, code enforcement, and police and fire. Local governments may also use business tax revenues to help fund other vital services, such as economic development programs that present a direct benefit to businesses through the marketing of local areas. Many municipalities use the business tax as general revenue funds and have pledged these revenues to secure debt. Collections for municipal local business tax revenues are approximately \$145 million annually.

In 2014, the Legislature passed CS/HB 803 (Boyd), which clarifies that certain data processing services by electronic transmissions are not subject to the communications services tax. This is a clarification of current law and, therefore, has no fiscal impact on municipalities. Additionally, the Legislature passed HB 5601 (House Finance and Tax Subcommittee and Workman), which removes the requirement that municipalities conduct an equity study commission to reduce or repeal the local business tax. Reducing either of these vital sources of general revenue would require municipalities to increase taxes, fees, and millage or cut services to make up for this financial loss. ■

# Stormwater Fee Collection

**CONTACT:**  
Ryan Matthews

The Florida League of Cities **SUPPORTS** legislation that clarifies all users of a stormwater utility, including governmental entities, are required to pay stormwater charges to pay the cost of operation and maintenance of such a utility.



## **BACKGROUND:**

A stormwater utility is a stormwater management program funded by user fees based on the users' demand for stormwater services. The program is defined by stormwater management activities such as flood and pollution control, permitting, inspection, maintenance and capital construction. The program's infrastructure of culverts, ditches, swales and ponds

are the assets of the stormwater utility. They are constructed, managed and operated using revenues from the stormwater utility fee.

The users of the stormwater management system pay for the system's cost. Stormwater utility fees are equitable. The more a stormwater utility customer creates runoff that is discharged to the municipality's infrastructure, the more the customer benefits from the services of the infrastructure and the more the customer pays. Fees paid directly correlate to the amount of "services" used. This is the same as other services funded by user fees, such as drinking water or wastewater.

By law, utilities are prohibited from generating excess revenues as they are strictly a user fee operation. As such, if certain types of properties are exempt from paying any utility user fee (including stormwater utility fees), the responsibility for payment of the program is shifted to the remaining fee payers. When one class of property does not pay its fair share, the remaining properties absorb a disproportionate share of that responsibility. There is no "free lunch." If certain users within a municipality are not paying their stormwater fees, cities will be forced to look to other ways to recoup that lost capital. This can be done by raising their stormwater fees to all other users, or expending general revenue to make the utility whole. ■



## Water Quality and Quantity

**CONTACT:**  
Ryan Matthews

The Florida League of Cities **SUPPORTS** legislation that provides a recurring source of funding for local government programs and projects that protect water resources, improve water quality and quantity, and expand the use of alternative water sources.

**BACKGROUND:**

Florida is dealing with multiple water challenges. South Florida faces water quality problems in the form of massive water releases of nutrient-enriched waters. Those releases, which are controlled by the U.S. Army Corps of Engineers, pollute the estuaries and water systems that flow to the St. Lucie River on the east and the Caloosahatchee River on the west. North Florida faces an impending disaster in its oyster industry due to increased water usage by Alabama and Georgia. Meanwhile, all of Florida is struggling with how to efficiently conserve water and avoid devastation to the Floridan Aquifer. With the scope of Florida's water challenges, local

governments need additional tools from the state, such as a recurring source of funding, to protect our water resources and improve water quality.

The State of Florida and its local governments must comply with drinking standard, that are mandated by the Federal Clean Water Act. The following passage found on the U.S. Environmental Protection Agency’s website succinctly highlights some of the issues Florida faces: “Clean water is vital for Florida. Excess nitrogen and phosphorus, or ‘nutrient pollution,’ is the primary cause of water quality impairment throughout the state and causes algae blooms – the thick, green muck that fouls clear water. Nutrient pollution threatens human health and the environment, hurts businesses, costs jobs, reduces property values and otherwise impacts the quality of life for all Floridians. Water quality standards help to protect and restore the quality of the nation’s surface waters, consistent with the requirements of the Clean Water Act.”

Local governments work in coordination with the Florida Department of Environmental Protection (DEP), as well as the five water management districts (WMDs), to constantly assess the quality of the waters within municipal boundaries and the allocation of ground water. The state’s Water Resources Act of 1972 is the backbone of Florida water law and provides for regulatory actions to be taken when there are water quality issues. Once impaired water bodies are identified by the DEP, a Basin Management Action Plan (BMAP) is put into place. This action plan is used to help reduce the excess nutrients in the water that initially caused the impairment. Local governments must comply with the BMAP in order to have their waters meet state and federal water quality standards.

A healthy supply of clean water is an economic driver that most people do not realize. Our state produces a tremendous amount of agricultural products, and Florida is a national leader in tourism. Without access to a bountiful supply of clean water, Florida’s 410 cities – and the entire state – will be vulnerable to economic collapse. ■



## Enterprise Zones

**CONTACT:**  
David Cruz

The Florida League of Cities **SUPPORTS** legislation that reauthorizes and improves the Enterprise Zone program scheduled to sunset on December 31, 2015.

### **BACKGROUND:**

In 1982, the Florida Legislature created the Enterprise Zone (EZ) program to provide incentives to encourage private investment in economically distressed areas of the state. The program has several goals, including revitalizing and rehabilitating distressed areas, encouraging businesses to locate and expand in these areas, stimulating employment among area residents, and enhancing the areas' general social and economic well-being.

In 2005, the Florida Legislature extended the EZ program for 10 years, which means it is scheduled to sunset on December 31, 2015, unless the Legislature reenacts the program. The sunset of this vital economic development program will result in the loss of an important tool used by cities to create jobs and stimulate local economies.

To achieve the EZ program goals, the state, county and municipal governments provide investments, tax incentives and local government regulatory relief to encourage residents to improve their property and businesses to invest and locate in designated zones. Tax incentives include a sales and use tax credit, tax refund for business machinery and equipment used

in an enterprise zone, sales tax refunds for building materials used in an enterprise zone, and sales tax exemptions for electrical energy used in an enterprise zone. Local governments can provide additional incentives for a business zone located within the boundaries.

Currently, Florida has 65 enterprise zones. Because of the diversity in the population and economy throughout the state, the EZ program is designed to accommodate large and small cities. The loss of this program would affect Florida communities in both urban and rural areas.

In the EZ program annual report dated March 1, 2013, the Department of Economic Opportunity (DEO) noted that in 2012:

- 4,500 businesses moved into or were created in enterprise zones;
- 11,602 new jobs were created by businesses located in enterprise zones;
- \$10,934,474 state tax incentives were approved by the Florida Department of Revenue; and
- 1,454 state tax incentive applications were approved by the Florida Department of Revenue.

Furthermore, over a 17-year period from 1997 to 2013, DEO staff has indicated that the EZ program has created about 130,000 new jobs.

Critics of the program have cited low business participation, lack of employment growth and limited effectiveness in meeting the goals established by the Legislature for the program. As a result, advocates of the EZ program have suggested the following revisions to reduce regulation and increase economic development and efficiency:

- Reducing minimum thresholds for smaller businesses
- Modifying job tax credits to include part-time employees
- Increasing the tax refund for building materials
- Simplifying the application process and allowing online applications
- Expanding the area in which qualified employees must reside to an area outside the EZ
- Seeking incentives for employer paid job training and certifications

The EZ program is one of the few economic development tools that allows cities to partner with the state to accomplish the task of rebounding Florida's economy. ■



## Developments of Regional Impact

**CONTACT:**  
David Cruz

The Florida League of Cities **OPPOSES** expanding exemptions or repeal of the Developments of Regional Impact (DRI) process.

### **BACKGROUND:**

The Developments of Regional Impact (DRI) process sets up an in-depth, comprehensive approach for evaluating certain large-scale developments. More specifically, the DRI process provides for coordinated state and regional review of the impacts anticipated by large developments that, because of their character, magnitude or location, would have a substantial effect on the health, safety or welfare of the citizens of more than one county.

Throughout the evolution of the Comprehensive Planning Act, the DRI process has stayed in place. Although the Legislature has taken steps toward removing or phasing out the DRI process, these attempts have failed, but what remains is a scaled-down version of the original DRI process. The Legislature has increased thresholds for determining what projects are considered DRIs and created multiple exemptions to the DRI process, such as airports, mines, power plants, hotels and marinas.

Small to medium-sized cities with limited planning resources rely heavily on the DRI process to successfully plan large-scale developments. Crucial

in assisting these cities in the planning of DRIs are the Regional Planning Councils (RPCs). The RPCs provide a broad-based regional perspective and enhance the ability and opportunity of local governments to resolve issues and problems transcending their individual boundaries.

The RPC also acts like a planning consultant, assisting the developer at the early stages in understanding and planning for the appropriate regional impacts, which ultimately is designed to result in project designs that are improved relative to the initially submitted proposal. This technical and planning support can be particularly valuable to small and/or rural communities that do not have their own planning staff.

One of the largest exemptions to the DRI process is the “dense urban land area” (DULA) exemption. Projects located in jurisdictions that meet a certain statutory density criteria are considered DULAs and are exempt from DRI review. Currently, this exemption applies to eight counties and 242 cities. The DULA exemption effectively leaves only smaller cities with limited planning resources within the DRI program.

During the 2014 legislative session, SB 372 (Galvano) would have expanded the DULA exemption from the DRI process to an additional seven counties and 20 cities. Ultimately, SB 372 failed to pass the Legislature.

One of the most significant impacts resulting from large-scale developments is increased traffic that often affects multiple local government jurisdictions. Without the DRI process, cities would have limited means to address development impacts outside of their jurisdictions. The RPCs often recommend extra jurisdictional traffic impact mitigation. Any efforts to scale down or eliminate the DRI process will severely handicap the ability of cities with limited resources to plan or approve large-scale developments.

Critics of the DRI process claim the process often takes months to complete and that studies and mitigation expenditures can be costly. However, many people agree that the DRI program continues to improve large-scale developments and communities through effective regional planning. Without the DRI process, cities with limited planning departments cannot effectively plan large-scale developments that will affect multiple jurisdictions. ■





## Transportation Funding

**CONTACT:**

Megan Sirjane-Samples

The Florida League of Cities **SUPPORTS** legislation that preserves local control of transportation planning, provides equitable transportation funding among municipalities and counties, and provides opportunities for additional revenue options for municipal transportation infrastructure projects.

**BACKGROUND:**

Currently, municipalities have limited revenue options for funding transportation projects. A major portion of transportation funding flows to municipalities through the county, state and federal governments. Much of that funding is generated through a tax on gasoline. Recent data has shown that gas tax revenues at both the state and federal levels have decreased dramatically, primarily due to an increase in the number of fuel efficient vehicles on the road. More fuel efficient vehicles means less gas is being purchased, resulting in lower gas tax revenues. As vehicles will only become more fuel efficient, gas tax revenue is forecasted to continue to decrease. To compound the problem, the federal gas tax was last increased in 1997, the state gas tax in 1943, the county gas tax in 1941 and the municipal gas

tax in 1971. None of these taxes are indexed for inflation, unlike other tax revenues that typically increase once the economy improves.

In addition, municipalities lack options to increase revenue to fund local transportation projects. For example, charter counties may currently hold a referendum on whether to impose up to a 1 percent sales tax to fund transportation infrastructure projects. Also, Florida statutes allow each county to levy up to 12 additional cents per gallon of fuel. The proceeds of these “extra” fuel taxes are distributed by inter-local agreement or by a statutory formula that is not favorable to municipalities. Municipalities lack the authority to impose these fuel taxes. This can be problematic when there are disparities between the transportation needs of municipalities versus those of the more rural areas of the county at large. For example, a referendum was held in Hillsborough County to enact such a tax. The tax was defeated countywide; however, if the election results are broken down by municipality, a majority of the residents of Tampa voted to approve the tax. Extending such options to municipalities would allow greater flexibility to fund their unique transportation needs.

Municipalities are at a disadvantage under the current funding arrangements, which do not take into account lane miles, traffic counts or other measures related to use and/or maintenance need. By including these elements into the calculations that determine the distribution of transportation funding, local governments, and municipalities in particular, will be able to more effectively address their transportation needs. ■



## Ride-for-Hire Services

**CONTACT:**

Megan Sirjane-Samples

The Florida League of Cities **SUPPORTS** legislation that defines and establishes uniform safety and insurance standards for transportation network companies and their independent contractors and that preserves Home Rule authority over such services.

**BACKGROUND:**

Currently, for-hire transportation services such as taxis and limousines are regulated by local governments in the state. In some instances, there are special districts or transit authorities to manage such regulation. These regulatory entities may require minimum wait times and/or minimum fares for taxis and limousines. They may also limit the total number of permits issued to operate taxis, jitneys, limousines for hire, rental cars and other passenger vehicles for hire.

For-hire vehicle services are undergoing changes. Technological advances are resulting in new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile

smartphone applications, Internet web pages, email and text messages. In the new “sharing economy,” some ride-for-hire services are operating as transportation network companies, a more formal name created by the California Public Utilities Commission in 2013 to describe companies that use an online platform to connect passengers with drivers who use their own cars.

To adequately protect the public health, safety and welfare, some statewide minimum regulatory standards need to be adopted as the ride-for-hire vehicles cross city and county lines when transporting passengers. However, local governments should retain their authority to adopt more stringent regulations if the local government deems them necessary. Regulatory issues local governments must address include permits, background checks, safety standards and prevention of predatory and discriminatory passenger/driver behaviors. A number of local governments have also raised concerns regarding automobile and personal injury insurance protections provided by these transportation network companies. In a recent development, the Florida Office of Insurance Regulation (OIR) ruled that at least one ride for hire service has adequate insurance coverages that meet the state requirements. Clearly, that determination by the OIR is limited in its scope and applicability and does not address the other regulatory concerns raised by local governments or other transportation regulatory bodies.

Florida’s municipalities are extremely diverse and have different needs, concerns and solutions to address the regulation of transportation network companies and their independent contractors. To protect and serve municipalities, their citizens, consumers and independent contractors, it is imperative that local governments retain their constitutional Home Rule authority to regulate transportation network companies. ■



## Homelessness

**CONTACT:**  
Casey Cook

The Florida League of Cities **SUPPORTS** legislation that provides a sustainable and dedicated funding source to deliver training and technical assistance to programs that offer the necessary support services for Florida's homeless individuals and families and those who are at risk of becoming homeless.

**BACKGROUND:**

According to a recent report by the Shimberg Center for Housing Studies, there are 42,476 homeless individuals and 31,148 homeless families with children in Florida. This does not include 6,798 unaccompanied homeless youths working to stay in school and 24,815 families with children in school who live in unstable housing, such as motels or with friends, neighbors and relatives.

Florida has the nation's third largest homeless population according to the state Council on Homelessness, and Florida experienced a 14.8 percent increase in homelessness between 2007 and 2012 — a period during which homelessness decreased 5.7 percent nationally.

The strain that the homeless population places on city budgets and services is an issue for all of Florida's municipalities. By providing local governments and community-based organizations with funding to deliver training and technical assistance to meet the needs of the homeless population and those at risk of becoming homeless, municipalities will be better equipped to overcome the challenges they face and ultimately realize a sustained reduction in local homeless populations. ■



## Sober Homes

### CONTACT:

Casey Cook

The Florida League of Cities **SUPPORTS** legislation that defines and establishes statewide minimum regulatory standards for properties used for “sober home” purposes and allows for local regulation of such properties.

### BACKGROUND:

“Sober homes” or “halfway houses” for individuals with drug and alcohol problems have been around for decades and provide needed transitional housing opportunities for people who are progressing through treatment for substance abuse problems. However, several cities throughout the state have been experiencing increasing problems with sober homes. These homes are marketed as places where recovering addicts can come to “sober up” and be slowly phased back into society while getting treatment for their addiction. Lately, cities have seen a proliferation of self-proclaimed “sober homes” that are run by unscrupulous landlords who are exploiting patients in order to make a profit. The *Tampa Bay Times* recently wrote a series of articles describing some of the problems these unregulated facilities are causing for both patients and non-patients in cities across the state.

The investigation into sober homes by *Tampa Bay Times* senior correspondent Susan Taylor Martin uncovered a multitude of problems. Without

licensing requirements, state regulations or oversight setting minimum operating standards, many sober homes operate in the shadows and are often “fly-by-night” type facilities. The *Times* article reported that “. . . in some homes, residents are housed two to three to a room. This is a lucrative business if each person pays \$500 per month, meaning a three-bedroom house with two residents per bedroom can bring in \$3,000 per month. But residents don’t get what they pay for.”

With no regulation from government agencies, setting up a sober home is as easy as renting a house to a few residents who pledge to live in sobriety and attend support groups. The operators of these problematic sober homes often advertise on the Internet as offering treatment on-site or providing transportation to off-site treatment facilities. Once residents arrive, they find that no treatment is offered and there is very little oversight by the owners of the sober home. Instead, residents are free to do whatever they choose, which for many means to hit the streets to find drugs or alcohol (and in one Delray Beach home attached to a bar, they don’t have to go too far). Law enforcement officials have seen increases in crime and homelessness in neighborhoods where these sober homes have located. Residents of these neighborhoods have reported an increase in burglaries, panhandling and even some instances where the sober home operators are openly using or selling drugs out of the sober home.

As a result of the lack of uniform state standards or regulations for sober homes, there are some houses that are nothing more than a group of individuals living together abiding by self-imposed rules of sobriety, while other houses are operating just shy of administering treatment on-site and flying under the radar of the Department of Children and Families (DCF) because they are not “formally affiliated with” a “licensed service provider.” (Those houses that are affiliated with a licensed service provider are currently required to be licensed by DCF, while homes not affiliated with a licensed service provider are not required to be licensed by DCF.)

Therefore, the League will support efforts to clearly define sober homes in statute and allow for the regulation of these facilities. Sober homes will continue to be a problem for cities and law enforcement in Florida until the Legislature decides to act and place minimum operating standards for these places into statute. ■

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# 2015 Key Dates\*

## **FEBRUARY 10-11**

Federal Action Strike Team (FAST) Fly-In  
*Washington, DC*

## **MARCH 3**

Legislative Session Convenes

## **10-11**

NLC Congressional City Conference  
*Washington, DC*

## **17-18**

Florida League of Cities Legislative Action Days  
*Tallahassee*

## **MAY 1**

Last Day of Regular Session

## **JUNE 25-26**

Policy Committee Meetings  
*Orlando*

## **JULY 17**

Policy Committee Meetings  
*Orlando*

## **AUGUST 13-15**

89th Annual FLC Conference  
*Orlando World Center Marriot*

\*Dates subject to change

The following city officials served as chairs and vice chairs of the Florida League of Cities legislative policy committees. We thank them and the hundreds of municipals officials who participated in the development of these legislative priorities.

**Energy, Environment and Natural Resources**

Chair: *Mayor Sam Henderson*, City of Gulfport

Vice-Chair: *Commissioner Sara Shaw*, City of Kissimmee

**Finance, Taxation and Personnel**

Chair: *Mayor Harry Jennings*, City of Daytona Beach Shores

Vice-Chair: *Commissioner Jim Norton*, City of Weston

**Growth Management and Economic Affairs**

Chair: *Vice-Mayor Manny Cid*, Town of Miami Lakes

Vice-Chair: *Council Member joyce gillie gossom*, City of Fort Walton Beach

**Transportation and Intergovernmental Relations**

Chair: *Council Member Judy Davis*, City of Riviera Beach

Vice-Chair: *Councilman Charles Bare*, City of Pensacola

**Urban Administration**

Chair: *Mayor Willie Charles Shaw*, City of Sarasota

Vice-Chair: *Commissioner Dan Daley*, City of Coral Springs



he Action Agenda reflects the priorities of 410 municipalities, as prepared by the Florida League of Cities' five legislative policy committees and adopted by the full membership at the League's 54th Annual Legislative Conference, November 14, 2014, in Orlando.

## **2014-2015 OFFICERS**

### **President**

Mayor Lori C. Moseley, Miramar

### **First Vice President**

Mayor Matthew Surrency, Hawthorne

### **Second Vice President**

Mayor Susan Haynie, Boca Raton

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.

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