



2013

PALM BEACH COUNTY  
STATE LEGISLATIVE ISSUES

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# PALM BEACH COUNTY

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# **ECONOMIC DEVELOPMENT**

## ***LEGISLATIVE PRIORITIES***

### **GLADES REGIONAL INITIATIVES**

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

- Lake Okeechobee Scenic Trail state funding of \$1.6 million and reconstruction of existing pavement by the Army Corps of Engineers
- Support the expansion of workforce development efforts
- Support improvements to existing affordable housing units as well as the development of new affordable housing units
- Torry Island Master Plan funding of \$75,000 for the redevelopment of this site into a marine resort focused on the ecotourism market
- Lake Okeechobee Directional Road Signs

Current Florida Administrative Rule Chapter 14-51 states the following:

*No more than two (2) Supplemental Destinations shall be signed for, in each direction, at each Limited Access Interchange.*

*Destinations signed for at Limited Access interchanges shall be located no further than 15 miles from the interchange. This applies to all interchanges, including Rural.*

There are several routes that lead to Lake Okeechobee but only three direct routes from I-95 and Florida's Turnpike. All three of these direct routes contain the maximum number of Supplemental Destination signs for other locations/destinations at these interchanges. These interchanges are located at a distance of 25 miles, 39 miles and 41 miles, respectively, from Lake Okeechobee. Additionally, all are located at a distance greater than 15 miles from Lake Okeechobee.

Support language revising Chapter 479, F.S. that would allow for directional signs to be placed at limited access interchanges where the distance is greater than 15 miles between limited access interchanges and destinations, specifically Lake Okeechobee.

### **GLADES REGION INLAND PORT (INLAND LOGISTICS CENTER (ILC))**

Inland ports are shipping, receiving and distribution centers designed to relieve the congestion in increasingly busy seaports. South Florida ports are facing increased congestion, limited expansion opportunities, and high levels of growth, and that congestion will only increase exponentially with the expansion of the Panama Canal. An Inland Port could be utilized by the Port's of Palm Beach, Everglades, and Miami, to provide needed warehouse space. The Tri-Cities region was highlighted in a FDOT study as

an optimal location for an inland port due to its abundance of developable land, highway infrastructure and access to rail corridors reaching all points of Florida.

The Tri-Cities region can capture a large percentage of the needed 80 million industrial square feet projected in a 2008 DOT study, which could create: 1) 32,000 new jobs, 2) \$1.8 billion in total personal income, 3) \$1.2 billion in total business revenue, and 4) \$164 million in state and local revenues.

During the 2012 session, the Legislature authorized a new \$5 million program to assist local governments with Inland Port infrastructure development and made traffic concurrency exceptions for Inland Ports. Palm Beach County requests continued authorization of inland port infrastructure development funds.

### **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. Proposed gaming legislation may prevent Palm Beach facilities from being able to expand gaming to compete with existing and future gambling facilities in Miami-Dade and Broward County. 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 questions asking voters if they would like to expand 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 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, currently running through FY 2015/2016.

1. In order to ensure the continued success of Florida's Entertainment Industry Incentive program, we need the Legislature to support:
2. Adequate funding for the Office of Film & Entertainment so the office can continue to properly oversee, administer and market this tremendously successful program;
3. Additional funding for the remaining fiscal years of program - the tax credits allocated to the program are almost completely certified and soon Florida will begin turning away or losing projects due to lack of adequate funding for the program;

4. Additional long-term commitment to the program in the form of additional years or no sunset - this will encourage more long-term investment and growth.

## **SCRIPPS**

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 are 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.

Scripps Research Institute has acquired top-rated scientists to assist with the continued research of tobacco, its effects and treatment of this addiction. Support an increase in the percentage of cigarette tax net collections that will be deposited into the Biomedical Research Trust Fund from one percent to two percent, so that Scripps may acquire half of that 2 percent, not to exceed \$3 million per year, to enhance biotechnology research within the state.

## **RIVIERA BEACH PUBLIC MARKET**

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

## **BUDGET & TAXATION POLICY**

### ***LEGISLATIVE PRIORITIES***

### **UNFUNDED MANDATES/MEDICAID COST SHIFTS**

The State Legislature has frequently passed legislation that compels local governments to provide a service, program, or benefit without providing the appropriate funding or a funding source. This compromises local governments' ability to provide services requested by their local communities by diverting resources to these state-directed, unfunded mandates or cost shifts. In addition, as more and more mandates are created, local governments are faced with the burden of using local tax dollars to finance functions 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. The Legislature has created year-to-year reprieves from this requirement during the past three sessions. This reprieve should be extended again for the 2013/2014 fiscal year. Under current economic conditions where local governments have been reducing funding levels across the board, this requirement may lead to fiscal difficulties for local governments; therefore, the funding increase mandate should be eliminated.

## **GAS TAX FUNDING FOR BOATING IMPROVEMENTS**

A growing population with increased boat ownership combined with the conversion of public marine facilities to private ownership is putting a greater demand for public access to State waters. Gas used to fuel boats is taxed but not all of these funds are used for boating improvements. Increasing the current cap on the allocation available for public marine facilities, boating improvements and waterfront access projects will help offset the economic factors that are contributing to the loss of public access.

In addition, support legislation or administrative action that either amends or clarifies Florida Statute 328.72(15) after "public launching facilities" to read or to be interpreted to include: "boating destination facilities, which includes docks, rest rooms, picnic tables and pavilions; public marinas and dockage; and boat ramps with related amenities, which includes docks, parking and rest rooms."

## **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.

## **ENVIRONMENTAL/NATURAL RESOURCES**

### ***LEGISLATIVE PRIORITIES***

#### **GLADES UTILITY AUTHORITY WATER INFRASTRUCTURE IMPROVEMENT PROJECT**

The cities of Belle Glade, Pahokee, and South Bay are able to provide adequate pressure during average daily flow and maximum daily flow conditions. However, all three cities have problems providing adequate fire flow pressure during maximum daily flow conditions due to the significant deterioration of the existing water mains. Additionally, there is considerable piping within the Glades communities that is undersized and needs to be replaced. This project is needed in order to maintain adequate pressure in the system to meet fire flow requirements to protect the safety of the public and businesses within the Glades communities. The Water Infrastructure Project will improve the economic development outlook in the Glades region as well. The total project cost is approximately \$18 million and will take 5 years to complete. The local share is \$9.0 million and \$9.0 million is being requested from the State over that 5 year period.

#### **LAKE WORTH LAGOON INITIATIVE \$2,550,000**

The Lake Worth Lagoon estuary stretches 20 miles along the shores of 13 municipalities from North Palm Beach to Boynton Beach and has been subjected to pollution and habitat losses for decades. Palm Beach County, the South Florida Water Management District, the Florida Department of Environmental Protection and the League of Cities have endorsed a plan to restore the Lagoon. This plan includes restoration of sea grasses and mangroves, capping of muck and construction of storm water control projects. Revitalizing this important water body provides long-term environmental, recreational and economic benefits to the region.

The Initiative provides a cost-share program to local governments for projects to benefit the Lagoon. Money is allocated through the Lake Worth Lagoon Partnership Grant Program, which provides a competitive process for selection of viable restoration and water quality projects. Each State dollar is matched at the local level on a minimum 50:50 cost-share basis. Through this program, over \$17 million in State funds and \$59 million in local funds have been dedicated to restoring the Lagoon. Since 2009, no State appropriations have been received for this program.

**LWL Funding Requests for Fiscal Year 2013-2014**

FY 2013 LWLI FUNDING REQUESTS				
	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
1	North Palm Beach Living Shorelines	\$300,000	300,000	\$600,000
2	Monastery Artificial Reef MacArthur State Park Islands	\$500,000	\$500,000	\$1,000,000
3	Palm Beach Grassy Flats Restoration	\$800,000	\$800,000	\$1,600,000
4	City of Lake Worth Bryant Park & Jewell Cove Living Shorelines	\$500,000	\$500,000	\$1,000,000
5	Lake Park Seagrass Restoration	\$450,000	\$450,000	\$810,000
6	Monitoring and Administration	\$400,000	\$400,000	\$800,000
	<b>TOTAL</b>	<b>\$2,550,000</b>	<b>\$ 2,550,000</b>	<b>\$5,100,000</b>

**BEACH AND INLET MANAGEMENT PROJECT APPROPRIATIONS: \$16,963,459**

Florida’s beaches importance to the tourism industry makes them key components of our economy. Additionally, their role in providing upland property protection against storm damage is critical.

State funding is critical for the restoration and maintenance of Palm Beach County’s beaches. Through the Shoreline Protection Program, the County provides publicly accessible beaches, help maintain the tourist-based economy and protect upland property. A dedicated source of funding for beach and inlet management projects was established in 1998 from the documentary stamp tax revenue. The Legislature established intent to appropriate \$30 million annually in documentary stamp tax revenues to the Ecosystem Management and Restoration Trust Fund for beach preservation and repair. However, budgetary restrictions reduced this amount significantly over the past few years. In the FY2012/2013, these budget allocations were returned close to the funding levels outlined in statute - \$22 million and an additional \$5 million for administration costs. The County is requesting that the funding remain at the current year levels and the inclusion of the following Palm Beach County shore protection projects in the State’s Fiscal Year 2013/14 Beach Erosion Control Program:

FY 2013 BEACHES FUNDING REQUESTS						
No.	Project Name	State Grant Funding Request	Federal Match	County Match	Municipal Match	Estimated Project Cost
1	Coral Cove Park Dune Restoration	\$270,000	\$0	\$270,000	\$0	\$540,000
2	Jupiter/Carlin Shore Protection	\$2,525,609	\$4,577,586	\$2,101,609	\$424,000	\$9,628,804
3	Juno Beach Shore Protection	\$125,000	\$0	\$125,000	\$0	\$250,000
4	Singer Island Shore Protection Project	\$79,890	\$0	\$80,110	\$40,000	\$200,000
5	Central Palm Beach County Erosion Control Project	\$390,000	\$0	\$234,000	\$156,000	\$780,000
6	South Lake Worth Inlet Mgmt	\$648,750	\$0	\$216,250	\$0	\$865,000
7	Ocean Ridge Shore Protection	\$1,894,200	\$4,411,600	\$1,894,200	\$0	\$8,200,000
8	Delray Beach Renourishment	\$23,680	\$61,093	\$15,220	\$8,460	\$108,453
9	Boca Raton North Beach Shore Protection	\$11,800	\$0	\$4,720	\$7,080	\$23,600
10	Boca Raton Central Beach Shore Protection	\$0	\$0	\$0	\$0	\$0
11	Boca Raton South Beach Shore Protection	\$92,700	\$0	\$37,900	\$58,900	\$189,500
12	Boca Raton Inlet	240,000	\$0	\$0	\$240,000	\$480,000
13	Lake Worth Inlet Mgmt	\$4,575,000	\$4,000,000	\$0	\$4,575,000	\$13,150,000
14	Midtown Beach Restoration	\$540,885	\$1,471,103	\$0	\$731,422	\$2,743,410
15	Phipps Park Restoration	\$5,545,945	\$1,255,860	\$0	\$10,828,267	\$17,630,072
<b>TOTAL</b>		<b>\$16,963,459</b>	<b>\$15,777,242</b>	<b>\$4,979,009</b>	<b>\$17,069,129</b>	<b>\$54,009,619</b>

## **FRESHWATER LAKE RESTORATION \$1,255,000**

Freshwater lakes within Palm Beach County include the Chain of Lakes system, covering 30 miles from West Palm Beach to Delray Beach to include five lakes: Pine, Clarke, Osborne, Eden and Ida, as well as a significant portion of the 730 square mile Lake Okeechobee. A Chain of Lakes Management Plan was approved by the Palm Beach County Board of County Commissioners and the Florida Department of Environmental Protection to provide fish and wildlife habitat along the lake shorelines, improve water quality, reduce stormwater discharges, and promote public outreach and education. Projects completed under this Plan, and with State appropriations, include creation of over one mile of shoreline habitat, restoration of over 40 acres of high quality wetlands, and dredging over 200,000 cubic yards of muck sediments. State funds will be utilized for construction of three new projects to provide wetland restoration, shoreline enhancements, nutrient removal, and stormwater management improvements. These projects are identified in the Chain of Lakes Management Plan. This funding will be matched with \$1,025,000 in local funds. In addition to the implementation of the Chain of Lakes Plan, there is a new focus on Lake Okeechobee including efforts to restore native wetlands habitat that would enhance fisheries and wildlife

utilization as well as muck removal. This current State appropriations request includes \$50,000 for the 640-acre Torry Island that lies within the southeastern portion of the Lake. Since 2009, no State appropriations have been received for freshwater restoration.

**FLF Funding Requests for Fiscal Year 2013-2014**

FY 2013/2014 COL and Lake Okeechobee FUNDING REQUESTS				
	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
1	Lake Clarke Septic Impact Study	\$100,000	\$100,000	\$200,000
2	Muck Capping Project	\$1,000,000	\$1,000,000	\$2,000,000
3	Monitoring and Administration	\$105,000	\$105,000	\$210,000
4	Torry Island Wetlands Restoration	\$50,000	\$50,000	\$50,000
		<b>\$1,255,000</b>	<b>\$1,255,000</b>	<b>\$2,460,000</b>

**ESTUARINE RESTORATION \$750,000**

Palm Beach County includes nearly 270 miles of estuarine shoreline. Over 200 miles of estuarine shoreline begin just south of Martin County and extend down through Boca Raton, excluding Lake Worth Lagoon. An Estuarine Enhancement Project Assessment Study was recently completed in January, 2011 that includes 56 potential projects including mangrove wetland and creation, rip rap shoreline stabilization, seagrass and oyster bed creation, hydrologic flushing improvements, upland hammock restoration and artificial reef projects. Similar to the Lake Worth Lagoon Plan, the 56 projects were evaluated and assigned priority designations. Two projects have been selected in our request to the State for funding that will require \$750,000 in State funds matched 50:50 with local funding.

**Estuarine Funding Requests for Fiscal Year 2013-2014**

FY 2013/2014 Estuarine FUNDING REQUESTS				
	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
1	Juno Dunes Natural Area Mangrove Shoreline Restoration	\$400,000	\$400,000	\$800,000
2	Highland Beach Mangrove Shoreline Restoration	\$350,000	\$350,000	\$700,000
		<b>\$750,000</b>	<b>\$750,000</b>	<b>\$1,500,000</b>

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION-BUREAU OF BEACH AND COASTAL SYSTEMS BEACH FUNDING AND 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 Bureau's efficiency, additional changes are necessary to streamline a program that is vital to both the state and local economies.

### **Recommendation: Encourage additional state beach program streamlining.**

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

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

As an ongoing effort to develop and collaborate regionally on energy/climate issues, the Southeast Florida Regional Climate Change Compact Counties of Broward, Miami-Dade, Palm Beach and Monroe and municipal partners renew support for the 2012 Southeast Florida Regional State and Federal Climate Legislative Program. Palm Beach County affirms support for the following state legislative policies *for 2013*.

### **2013 State Policies:**

#### **Adaptation Action Areas/Sea Level Rise:**

OPPOSE – (Priority Policy) any legislation or forthcoming state actions that would serve to preempt local governments' authority pursuant to current law to use peer reviewed science and assessments to determine plausible future climatic conditions including the future rates of sea-level change, precipitation patterns and temperatures. Current law respects home rule and the responsibility of local government to prudently and objectively plan for the protection of private and public property, health and welfare of Floridians.

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

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

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

**Offshore Oil Drilling**

OPPOSE - efforts to lift the ban on oil drilling within Florida’s territorial waters as described in Palm Beach County Ordinance No. 2010-1071.

**Electric Generation Fuels:**

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

**Energy Efficiency:**

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

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

SUPPORT – rebate programs and other financial incentives that help to facilitate energy conservation and build climate resilient communities.

**Energy Finance Options:**

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

**Everglades:**

SUPPORT - legislation and funding that will provide for the complete implementation of the Comprehensive Everglades Restoration Plan as fundamental to Everglades Restoration; policies that recognize the role of a restored Everglades in planning for sustainability and climate adaptation, including the impacts of sea level rise and extreme weather such as droughts and floods.

**Investment Priorities:**

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

SUPPORT – the recognition of areas identified as Adaptation Action Areas, or any other area subject to the impacts of sea level rise, in the prioritization of future funding for transportation, including roads and bridges, drainage and stormwater infrastructure projects funding.

**Renewable Portfolio Standards:**

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

***SUPPORT ISSUES***

**LOXAHATCHEE RIVER INITIATIVE - \$1,379,000**

The Loxahatchee River is the southernmost tributary of the Indian River Lagoon and includes the North Fork of the Loxahatchee River, one of two nationally designated Wild and Scenic Rivers in Florida. Despite its Federal designation as a Wild and Scenic River and the protective status associated with classification as an Outstanding Florida Water, significant problems with the River need to be addressed. Development in the River’s watershed has altered much of the natural flow of the River and water quality concerns are widespread. Within the Wild and Scenic portion of the River, virtually all of the cypress trees in the lowermost segment have been killed by the upstream movement of saltwater. This condition is the direct result of hydrologic alterations of the watershed that have reduced the volume of freshwater to the River.

The Loxahatchee River Preservation Initiative is the outgrowth of a watershed management effort started by the DEP in 1996. A multi-agency and community-based coalition, the Loxahatchee River Watershed Planning Committee was created to define and evaluate the status of the entire watershed and propose actions that would improve and protect the natural resources within the watershed.

Rank Order	Project Name	Legislative Funding Request	Local Sponsor	Local Match Funds
1	Loxahatchee River Neighborhood Sewering Project	\$223,500	Loxahatchee River District	\$335,250
2	Cypress Creek Hatcher Restoration Project	\$225,500	PBC DERM	\$225,500
3	Urban Stormwater Management System Rehabilitation Phase VI	\$200,000	Town of Jupiter	\$200,000
4	Sandhill Crane West – Loxahatchee Slough Restoration Project	\$250,000	PBC DERM	\$450,000
5	North Jupiter Flatwoods Restoration Phase II	\$280,000	PBC DERM	\$280,000
6	Jonathan Dickinson State Park – Non-native Plant Removal	\$200,000	Jonathan Dickinson State Park	\$200,000
	<b>Totals</b>	<b>\$1,379,000</b>		<b>\$1,690,750</b>



## **FLORIDA FOREVER AND EVERGLADES RESTORATION**

### **\$300 MILLION (\$10 MILLION DEBT SERVICE) FOR FLORIDA FOREVER AND FUNDING FOR EVERGLADES RESTORATION**

The Florida Forever Program, which replaced the highly successful Preservation 2000 Conservation Lands Acquisition Program, is described by the Florida Department of Environmental Protection as the blueprint for conservation of the State's natural resources. It encompasses a wide range of goals including acquisition of conservation lands, restoration of environmental systems, water resource development and increased public access. Millions of acres of lands have been preserved under this and predecessor programs. Additionally, at least 27 local governments have initiated conservation lands acquisition programs, leveraging state dollars with local funds to preserve locally and regionally important ecosystems.

#### **Issue 1: Continued and Additional Florida Forever Funding**

The Florida Forever program has not been consistently funded by the Legislature over the past few years, which has caused major setbacks to both state and local government efforts to preserve the natural resources and environmentally sensitive lands within the state. In order to continue with the goals set forth by the Florida Forever Act, consistent funding of the program is essential.

#### **Issue 2: Funding for Land Management**

The Florida Forever Program focuses solely on funding for the acquisition of conservation lands, but once lands have been acquired and the opportunity for acquisition decreases, agencies must turn their attention to management of the acquired lands. The County would like to see an additional category of funding that focuses on the management of these State-owned conservation lands that are managed by local governments, either a flat fee or a percentage of the management costs. In order for agencies to continue to protect environmentally significant lands, protect ground and surface water, provide recreational activities, and implement local comprehensive plans, funding sources must be provided to assist in the management of these lands.

#### **Issue 3: Continued Everglades Restoration Funding**

The County strongly supports the State continuing to fund projects as part of Everglades Restoration, particularly those that are ready for work to commence and 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.

## **WATER RESERVATIONS AND MFLS**

Under current laws of Florida, the State of Florida has regulatory authority over a variety of activities that affect water in the state, primarily through the Consumptive Use and Environmental Resource Permitting programs. The Florida Department of Environmental Protection (DEP) and the water management district's (WMDs) are granted broad authority to adopt water resource and development plans, issue permits, and adopt standards for protection of the state's water resources. Two tools granted to the WMDs and DEP to

conserve and protect Florida's water resources from significant harm are through the establishment of water reservations and minimum flows and level (MFL) programs. Water reservations are a legal mechanism to set aside water from consumptive uses for the protection of fish and wildlife or public health and safety, authorized by Section 373.223(4), F.S. MFLs (Section 373.042(2), F.S.) represents the minimum water levels and/or flows, adopted by the District Governing Board, and required to prevent significant harm to water resources resulting from water withdrawals that are permitted by the District. Presently, no reservations exist in Palm Beach County other than that restricted by the Regional Water Availability Rule; the only MFL's in Palm Beach County include the Biscayne Aquifer and portions of the Everglades CERP.

During the 2012 Session, legislation was introduced that would have amended Section 373.042, F.S. The amendment would have required WMDs to voluntarily undertake independent scientific review and identify the establishment of any proposed reservations and listed water bodies having the potential to be affected by withdrawal for which the DEP should adopt a reservation or a MFL. The amendment would have required WMDs to provide the DEP with technical information and staff support for the development of a reservation, MFL or recovery or prevention strategy to be adopted by rule. This would then be applied by the WMD without adoption of such reservation, MFL, or recovery or prevention strategy by rule.

Under current law, all MFLs and prevention and recovery strategies are adopted by WMD Governing Boards, which are more responsive to local utility concerns. Had the proposed legislative amendments been successful, utilities would not have had much influence over the adoption of MFLs and prevention-recovery strategies.

While utilities support the state's goals of reserving enough water for the protection of water resources to support fish and wildlife and protect public health and safety, any excess water should be made available to utilities as a means of dealing with diminishing freshwater supplies. Thus, rules relating to water reservations and MFLs should include provisions authorizing utilities to minimize significant harm through increased water storage and utilizing excess water supplies not necessary for protection of fish and wildlife or human health, which would otherwise be lost to tide.

Support legislation that allows protected users to provide input into the development of all rules related to water resource protection and the adoption of MFL's and prevention-recovery strategies.

Oppose legislation that would attempt to circumvent the rule development process through the use of statutorily mandated rule adoptions by the DEP, which will require implementation by a WMD and not having had the benefit of broad public consideration local to the WMD

## **WATER CONSERVATION & MANDATORY RATE STRUCTURES FOR PUBLIC UTILITIES**

Legislation mandating the establishment of specific statewide conservation rate structures and drought rates on a "one-size-fits-all" basis would negatively impact local government utilities. Utility rulemaking is already a very complex process and is currently governed by a myriad of state rules and regulations. If the state mandates a particular conservation rate structure, it could negatively impact the ability of a local government to properly fund its operations. The end result is that the local utility would not have the

funding necessary to implement the various water conservation and alternative water supply initiatives that may be needed in the future. The state should focus its efforts on establishing global conservation goals and creating incentive programs to encourage local governments to voluntarily comply with those goals. Palm Beach County already has in place one of the most successful and effective conservation rate structures in Florida and recognizes that water conservation is unique to each local utility and should be addressed through a community's water conservation plan. Any attempt to develop a statewide comprehensive water conservation program should provide the process and methodology for local utilities to develop specific "goal-based" water conservation programs, which are unique to their community.

Support legislative action that favors "goal-based" water conservation initiatives through permit incentives and the use of conservation best management practices developed by the utility industry; further support legislative action, which recognizes that it is the local utilities' responsibility and right to establish rates and rate structures for provision of services. Oppose any legislation that would change or eliminate by law a utilities right to establish conservation rate measures.

### **ALTERNATIVE WATER SUPPLY FUNDING**

In 2005, the State Legislature enacted the Water Protection & Sustainability Program, requiring the regional water supply planning function of the water management districts to promote alternative water supply projects and enhance the state's water supplies. At the beginning of each fiscal year revenues were to be distributed by the Florida Department of Environmental Protection into the alternative water supply trust fund accounts created by each water management district. A total of \$100 Million was established in recurring funding. The funds were to be used to assist in funding alternative water supply construction costs selected by each District's Governing Board for priority implementation. In 2008, funding from the Water Protection & Sustainability Program Trust Fund was reduced to \$7.7 Million statewide. Funding was further reduced in 2009 to only \$2.2 Million. Since 2009, the funding level has been zero.

Support enhancement of Florida's water resources by either restoring alternative water supply funding or creating a new statewide program to provide substantial and long-term funding to:

- Enhance regional and local water resource and supply capacity development
- Provide adequate and reliable long-term funding for municipal water infrastructure
- Provide funding for alternative water supply development
- Provide funding for water quality protection and treatment of impaired waters

### **ASSAULT ON UTILITY WORKERS**

During the 2011 Legislative Session, two bills were filed and subsequently failed, SB 734 and HB 15. 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. The bills, as originally filed in 2011, would add utility workers (a term defined in the bill) to the list of specified persons. Therefore, the felony or misdemeanor degree of certain assault and battery offenses would be reclassified if committed against a

utility worker engaged in the lawful performance of his or her duties in the same manner as if those offenses were committed against a law enforcement officer or firefighter engaged in the lawful performance of his or her duties. Palm Beach County Water Utilities Department has experienced an increase in incidents involving angry and disgruntled customers threatening employees. Since June 2012 through the same period for which data presently exists there have been 3 cases of aggravated assault, 6 cases of threats against utility workers, and 1 case of criminal intent with illegal tampering. All presently have active case files with the Palm Beach County Sheriff's Office.

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

### **SUSTAINABLE WATER USE PERMIT AND INCENTIVES**

Palm Beach County Water Utilities Department (PBCWUD) considers water use permitting for the integration of multiple water sources for public purposes a critically important public issue. Under current law a consumptive use permit can only be issued, modified, or renewed for the amount of water required to meet a permittee's demonstrated need. However, this need may not always match the constructed infrastructure capacity. Supplemental to meeting resource demands, the implementation of aggressive conservation plans, which may be identified through the consumptive use permit consistency (CUPcon) process as needing legislative action and the downward trend in the economy can lead to capital infrastructure investments that exceed current demands but lack the necessary authorized allocation. If a water management district was then to reduce the permitted allocation consistent with the decreased water need, this would strand a large portion of the utility's capital infrastructure investment. Should the economy then begin to regain some of its previous momentum (that which was planned for as a part of the original allocation), those utilities located in resource restricted areas (about one-half of the state south of State Road 50), would have to develop expensive new alternative water supply sources to meet the renewed demand for water. This combination of stranded capital infrastructure and the premature development of alternative water supplies will create an unnecessary economic burden, which could impede or delay Florida's economic recovery. By extending the effective date of the consumptive use permit and allowing for the issuance of a single water use permit, which authorizes a utility to utilize and optimize water from multiple sources under a single permit, will, in most cases, promote efficiencies and best management practices, reduce costs for utilities, and assure the ability of public water supply utilities to meet public water supply demands under varying hydrologic conditions at all times.

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

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

## **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. 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.

Support legislation that would recognize the broad application and use of reclaimed water for agricultural purposes, but only where the DEP and/or Department of Health concludes that its use is permissible and would not be considered a public health or safety concern.

## **NUMERIC NUTRIENT CRITERIA RULEMAKING**

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

Support legislation that would implement water quality protections in Florida that are based on sound science and produce reasonable environmental and water resource cost-benefits. The EPA is finalizing the federal numeric nutrient criteria rule for Florida, to either appeal recent court decisions against the federal rule or otherwise to accept the DEP numeric nutrient rule. In the event that the federal rule is enacted, the legislature should either: (a) direct the DEP to work with utilities and the EPA to develop a long-term implementation and management plan for the use of reuse water, which, when completed would be "presumed" to meet the numeric nutrient criteria; or (b) exempt reuse systems from federal or state rule consideration by statute.

## **STATE PETROLEUM CLEANUP PROGRAM/MAINTAIN FUNDING**

Palm Beach County's local petroleum cleanup program provides supervision of state contractors conducting assessment and remediation of petroleum contamination within the County. In addition, Palm Beach County's local program provides enforcement and oversight for non-eligible contamination cleanups. In 2002, 298 sites were assigned by DEP for contamination cleanup in Palm Beach County and 65 contaminated sites were cleaned up. In 2012, 183 sites were assigned and 43 were cleaned up. The reduction in assigned sites is the result of Palm Beach County's successful efforts to clean up contaminated sites that are within DEP's established priority funding range.

Recommendation: Encourage the DEP to assign more sites to high performing counties by reducing the priority score funding range on a county-wide or regional basis. This will result in a significant increase in the number of contamination cleanups and reduce the state's backlog.

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

Since 1988 the Palm Beach County Department of Environmental Resources Management (ERM) has contracted with the DEP to administer the Petroleum Storage Tank Compliance Verification Program. During FY 2012-13, DEP's compliance program budget remained at \$7,000,000, but this represented a 30% reduction since FY 2010-11. During 2012, DEP decided to move towards a regional approach with the program and reached out to many of the high performing counties, including Palm Beach County, to expand their program territories. The result of DEP's effort was Palm Beach County receiving approval to expand its program duties into Martin and St Lucie Counties. The recent budget reductions have resulted in a decrease in the number of facilities being inspected annually from 100% to 56%. The rationale behind this reduction was that all petroleum storage tank systems are now double walled and less likely to leak, requiring 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 site inspection.
- Reduced inspection frequencies will likely decrease compliance rates and increase 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 \$7,000,000 budget level (56% annual inspection rate), or preferably, restore funding to the \$10,000,000 level, resulting in 100% annual inspection rate. 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.

### **FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM**

Within the Department of Environmental Protection, the Division of Recreation and Parks administers the Florida Recreation Development Assistance Program. This program is a competitive grant program that provides financial assistance through grants to local governments for the acquisition and development of land for public outdoor recreation purposes. The maximum grant amount per development is \$200,000.

Due to economic shortfalls, the FRDAP was not funded during this past Legislative Session; therefore, any local projects listed under the 2011-2012 FRDAP Combined Applicant Priority List were not afforded any FRDAP grants. For FY 2010-2011, total statewide funding for FRDAP was \$300,000 and the Village of Royal Palm Beach received \$200,000 for their Village Commons Park, one of only two applications funded

statewide. In FY 2008-2009, funding was \$24 million and funded 212 projects in 54 counties. Restore FRDAP funding to FY08-09 levels.

Palm Beach County Parks and Recreation submitted two FRDAP applications for the coming year:

- Improvements at John Prince Park totaling \$200,000
- Improvements at Okeeheelee Park South totaling \$200,000.

## **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 an effort to improve water drainage and flow, Palm Beach County supports efforts of the South Florida Water Management District, local flood control districts, and residential associations to secure resources to enhance drainage in these communities.

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

Revisions to growth management laws should take careful consideration of and protect the distinct home rule authority of local governments. **Support** the Development of Regional Impact program as a process for ensuring large-scale development projects that affect more than one jurisdiction receive a heightened level of review. **Support** changes that 1) strengthen the intergovernmental review process of DRIs, 2) ensure that the development impacts occurring outside the approving jurisdiction are adequately mitigated, 3) eliminate unnecessary duplication and expenses, and 4) enhance the role of Regional Planning Councils (RPCs). Efforts to strengthen intergovernmental coordination should be considered so that land use decisions of one jurisdiction do not negatively impact another.

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

#### **AMTRAK SERVICE ON THE FEC CORRIDOR**

The Palm Beach County Board of County Commissioners, Treasure Coast Regional Planning Council (TCRPC) and other local governments and MPOs have been working together to reintroduce passenger service, via Amtrak, on 326 miles of the FEC railway between Jacksonville and Miami. According to Florida

Department of Transportation estimates, the project will create 2,100 jobs in three years; generate long-term revenues of more than \$2 billion in land development; and provide improved mobility and environmental benefits.

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

The Florida Department of Transportation submitted a federal funding application for the Amtrak/FEC Corridor project to the Federal Railroad Administration in August 2010. The project is now in the running for a requested \$250 Million to complete the project in three years. Continue to support \$118 million in State allocated funds in the DOT work plan for this transit project.

### **FDOT FIBER OPTIC CABLE ACCESS**

The South Florida Shared Fiber Initiative, which includes Palm Beach County, would like to access the Florida Department of Transportation's fiber optic network for broadband usage purposes. Access to unused broadband capacity, on a statewide level, represents a dramatic opportunity to fully utilize critical infrastructure at great taxpayer relief while at the same time presents an opportunity for FDOT to potentially gain access to local fiber optic networks. The South Florida Shared Fiber Initiative is a five county collaborative effort between Palm Beach, Broward, Martin, Indian River and St. Lucie. Palm Beach County has the largest fiber optic network, with an estimated 350 miles of FDOT sponsored fiber optic cable already in the ground. Palm Beach County requests that as FDOT develops their policy regarding the use of fiber optic cable and conduit, that they 'delegate authority' to the local County level Traffic Engineering Department in regards to any county installed traffic fiber. This will place the authority to make a decision regarding any potential 'excess capacity' at the local level and remove the administrative burden from FDOT.

### **DMV FACILITY SERVICE/MOUNTS BOTANICAL GARDENS**

Currently, the Department of Motor Vehicles licensing building is located on a parcel of land that sits on the northeast corner of Mounts Botanical Gardens. The Gardens exist 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 Gardens that would enable it to expand and be used as an important teaching and research arm for the



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

Support continued DMV service expansion that could lead to the future integration of the Military Trails DMV Office to the Mounts Botanical Gardens Master Plan. The Legislature should also continue to encourage the Department to work creatively with existing businesses and local Tax Collectors to provide additional DMV locations for expanded service. Also support the placement of directional signage on key state roadways indicating the location of Mounts Botanical Gardens.

## **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. According to the 2013/2014 DJJ Capital Improvement Program budget request, it is:

*“experiencing system flaws and inadequacies due to age and original Heating Ventilation and Air Conditioning (HVAC) under-design. Odor problems are endemic of HVAC system requiring a massive upgrade. Electrical service is over capacity and old. The entire roof needs replacing.”*

DJJ has made this replacement project one of its top funding priorities. Furthermore, because of the condition of the current facility, DJJ has requested more than \$1.7 million for repairs over the next four years, including \$730,000 for FY2013/2014. It is imperative that the current facility be replaced as repair costs will only continue to increase.

In addition, prior to the end of 2012, the Palm Beach County Juvenile Assessment Center will be relocating to the Detention Center site; therefore, any efforts to fund the replacement of the Detention Center should also include the Juvenile Assessment Center.

#### **ADJUSTMENT TO THE STATE/COUNTY SHARED DETENTION CENTER COST SPLIT**

Florida Statute Section 985.686 requires counties to contribute funds to the state to cover the cost of youth detained in secure detention for those stays when a youth is not committed to the department, i.e., a youth awaiting disposition of charges. The current utilization rate split is 75% County funds and 25% state funds. DJJ has requested that the State increase its General Revenue contributions and decrease the Shared County/State Juvenile Detention Trust Fund to align the budget to more closely reflect the current utilization

split. Counties are requesting that the utilization rate split be reduced further as outlined in Florida Statute or 74% County/26% State. Furthermore, support the recommendations of the DJJ/County Cost Share Workgroup as they relate to this issue.

### **PRE-TRIAL RELEASE**

In 2012, HB 875 and SB 1730 were filed in the Legislature that would have significantly hampered the ability of local governments to administer their pretrial release programs. According to estimates from the Palm Beach County Criminal Justice Commission, the restrictions that would have been created by this legislation would likely cause an average of 284 defendants each month who are on supervised release to be retained in custody. Current supervised release programs cost \$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.

### **PALM BEACH COUNTY COMPREHENSIVE GANG MODEL**

In Palm Beach County (PBC), gang members are responsible for a disproportionate share of juvenile violent offenses which, in turn, adversely impacts the quality of life in our communities. There are approximately 175 gangs identified in Palm Beach County (both national and local) with over 6,000 members. Some represent nationally known gangs and some local or homegrown gangs.

As a result of a spike in perceived gang violence, the County commissioned a study to assess historical trends in the levels of violent crime, gun-related crime, and murder. The study, conducted by Florida State University (FSU), found that while the County's overall crime rate had declined from 1990-2005, violent crime (including those involving firearms) had increased with the murder rate having experienced a particularly substantial increase. According to the Federal Bureau of Investigation (FBI) Annual Uniform Crime Report, the incidence of murder in Palm Beach County has taken a significant upward turn from 44 murders in 2002 to 96 murders in 2008, 60% of which was gang-related. Among the 96 murders, the cities of West Palm Beach, Riviera Beach, Lake Worth, and Belle Glade reported some of the highest numbers with 18, 12, 11 and 8 respectively (four of our targeted areas). Of additional importance was the study's finding that violent criminal offenders in Palm Beach County were most often adolescents or young adults between the ages of 15 and 24.

Palm Beach County supports efforts to fund front-end services in order to prevent the migration of youth into gangs; therefore, the County seeks funding assistance from the State for the following programs:

**Prevention Efforts:** Universal prevention efforts in the form of Gang Resistance Education and Training (GREAT) being offered to all 5<sup>th</sup> grade classes in Palm Beach County at an annual cost of \$50,000.

**Early Intervention Efforts:** A Youth Empowerment Center (YEC) in each of the five hot spot areas offering pro-social programming for youth who reside in the hotspot communities. Each of the five

YECs focus on education, employment services, music, athletics, and recreation, digital audio visual production, computer related programs (soft and hard), and crime prevention programs. This is the flagship component of the Project and has served 14,000 middle and high school youth in a five year period. To keep YEC's open and operational, an annual budget of \$300,000 is needed.

**Treatment Efforts:** The majority of gang-involved youth have not been successful in a traditional educational setting. However, as research and first-hand experience has shown, these youth are talented and capable of learning. Their preferred learning style tends to be more "hands on". Our community partner, Gulfstream Goodwill Industries (GGI), will provide a variety of services to gang-involved youth combining work readiness education, career path navigation, support services and vocational experiences in their proven model that was developed by the Youth Development and Research Fund, *Makin'It*. Vocational activities will utilize real life internship experiences allowing students to put learning into action. *Makin' It* provides opportunities to acquire new skills and experience success that will enhance the motivation of each youth. Work readiness and workforce preparation skills will be offered through a multi-faceted program involving classroom and real world experiences including paid apprenticeships. The annual cost of *Makin' It* to serve fifty youth who have dropped out of school or are failing in traditional educational settings is \$177,000.

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

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

### ***Adult Post-incarceration Drug Courts***

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

## **REGAIN LOCAL ABILITY FOR LIMITED GUN REGULATION**

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

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

### **LIFEGUARD CERTIFICATION AND TRAINING**

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

### **BACKGROUND SCREENING FOR YOUTH PROGRAMS' VOLUNTEERS AND STAFF**

Support available measures to protect youth from exposure to sexual predators and offenders. This would include supporting the funding of technology for the fingerprinting and background screening of all volunteers and employees who work with youth in order to make it more affordable and accessible. Adjustments to Florida Statute Chapters 409 and 943 are needed to make it easier to share information across agencies, thereby reducing costs and making results timelier.

### **ANIMAL CARE AND CONTROL LEGISLATION**

1. Amend Florida Statute 828.122 to repair a 4th DCA ruling that has hindered our ability to prosecute animal fighters. Support language proposed in HB 993 by The Humane Society of the United States during the 2012 session that was not adopted related to animal fighting paraphernalia.
2. 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.
3. Animals are often seized from dangerous people during criminal animal cruelty investigations with the hope of finding a new home. The personal information of whoever adopts any of these animals is not exempt from release under current Public Records Laws and has been provided upon request. This is a major adoption deterrent. Amend Florida Statute 119.071 to exempt the release of the personal information of those who adopt shelter animals.

4. 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.

## ***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.

## **JUVENILE JUSTICE**

### ***Juvenile Records Expungement***

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

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

### ***Alternatives to Detention***

Palm Beach County supports financial incentives for developing local alternative programming to divert youth from secure detention. Support legislation requiring the State to develop a fair funding policy to ensure Palm Beach County benefits from expending the funds to develop community-based alternatives to detention and residential commitment, including an appropriate allocation of domestic violence respite care beds, and developing prevention programs.

### ***Zero Tolerance Policy Revisions***

Based on recent data, approximately 11,492 students were arrested in school for misdemeanors. The cost saving per civil citation would be \$4,614 according to a recent study by Florida Juvenile Justice Foundation. The annual cost savings of reducing the arrest of misdemeanants on school grounds and instead using Civil Citation programs is estimated to range from \$16.9 million to \$53 million. Keeping juveniles away from prisons will also generate long-term economic benefits in the form of increased output and employment. Palm Beach County supports the expansion of civil citation, and similar programs, by implementing changes to Florida's zero tolerance statutes.

Schools continue to be a major source of referrals into the Juvenile Justice system. Last year, the Palm Beach School District referred 738 arrests to DJJ, 449 of those were misdemeanors. 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.

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

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

In an effort to continue promoting safety in high crime areas, grant opportunities should be created to enhance lighting in these areas.

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

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

### **ASBESTOS ABATEMENT**

Removal of asbestos in buildings in the Glades region of Palm Beach County has become costly and further inhibits opportunities for redevelopment in this impoverished area, which is also a Rural Area of Critical Economic Concern. Support funding for asbestos abatement grants in low income areas located in Enterprise Zones.

### **SOBER HOMES**

Transient Living Facilities, or otherwise known as Sober Homes, have been an issue for many local single family communities. The majority of these Sober Homes are privately owned and operated by one individual or non-profit organization. The primary concerns consist of the lack of regulation or oversight by any entity or agency, have little to no structure, are not required to have inspections, medical treatment is not mandated, and they are not incorporated. Anyone can purchase a home in a residential neighborhood and call it a Sober Home, which allows for numerous unrelated individuals to live in one home. Support legislation that defines and establishes minimum regulatory standards for sober home facilities and allows for more stringent local regulations of these facilities.

# **HEALTH & HUMAN SERVICES AND HEALTHCARE**

## ***LEGISLATIVE PRIORITIES***

### **TRANSPORTATION DISADVANTAGED PROGRAMS**

For FY 2012/2013, the State of Florida will provide Palm Beach County with \$2,361,901 in funding to support the non-sponsored Transportation Disadvantaged (TD) services. TD funding is an important funding source for Palm Tran, enabling Palm Beach County to provide the most economically challenged customers with discounted rides on both our fixed route and CONNECTION services. To maintain the level of services and accommodate the needs of residents, Palm Beach County has annually supported the TD program efforts with additional funding (this year - \$262,434). Palm Beach County supports attempts to maintain funding to the TD program and to prevent diversion of these dollars for other purposes.

### **HOMELESSNESS**

Palm Beach County supports the following issues in conjunction with the Florida Homeless Coalition:

- SUPPORT Challenge Grants. These grants were previously funded in FY 2011-2012. For the coming fiscal year, the Coalition is seeking \$2,013,354, which will help implement projects in support of the local Continuum of Care Plan.
- SUPPORT funding in the amount of \$2,426,240 for the state's 28 local homeless coalitions and the Florida Coalition for the Homeless. The work of the 28 local homeless coalitions results in the receipt of more than \$78.7 million in federal funds.
- SUPPORT the State of Florida Office on Homelessness and Council on Homelessness. These offices are essential for the receipt of non-entitlement (balance-of-state) federal funds. It is also the Office responsible for convening and coordinating the activities of the Council on Homelessness and the numerous committees of the council. Support funding the Office at \$560,406.

### **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. Support the allocation of the projected \$175.2 million documentary stamp collection and trust fund balance for affordable housing. In addition, 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.



## ***SUPPORT ISSUES***

### **FLORIDA COUNCIL ON THE SOCIAL STATUS OF BLACK MEN AND BOYS**

The Florida Council on the Social Status of Black Men and Boys was established by the State to research and propose measures that improve conditions affecting black men and boys. Palm Beach County supports the continuation of engagement of this council to support these efforts.

### **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 certain eye examinations for all infants born in hospitals in the state and providing that coverage for children under health insurance policies and health maintenance organizations must include certain eye examinations for infants and children.”

### **TRAUMATIC BRAIN INJURIES (TBI)**

In 2012, the Florida Legislature passed Chapter 394.47891, Florida Statutes, which creates a Veterans Court Program to assist military veterans and servicemembers who acquired a traumatic brain injury (TBI) in a combat theatre and are convicted of a criminal offense the opportunity of rehabilitation through a Court Program.

Support the option of rehabilitating those who have acquired a severe TBI prior to having committed a criminal offense and would be better served in rehabilitation as opposed to being incarcerated. Currently, TBI does not meet the definition of “mental illness” under the competency statute. In order for the court to involuntarily commit a person under “The Florida Mental Health Act” or otherwise known as “The Baker Act,” the court must make a threshold finding, by clear and convincing evidence, that the person is mentally ill.

## **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.

#### **EMPLOYEE/VENDOR CRIMINAL BACKGROUND CHECKS**

During the 2012 session, language was included and eventually removed from HB 1363 to amend Florida Statutes to require federal criminal background checks, in addition to the state background checks currently permitted, for those who apply for a Vehicle for Hire Driver’s I.D. Badge. Limiting counties to state FDLE background checks excludes any information regarding criminal history outside of the State of Florida, possibly impacting the safety of the passenger. In addition, Vehicle for Hire Drivers often have access to airports, seaports and other security sensitive areas. Applicants would be responsible for the cost of the federal background check, which is estimated to be an additional \$49.00. The current fee for a State FDLE check is \$24.00.

## **LOCAL GOVERNMENT/ADMINISTRATIVE**

### ***LEGISLATIVE PRIORITIES***

#### **VALUE ADJUSTMENT BOARD**

Due to recent changes in the state law, the presumption of correctness now rests on the Property Appraiser's office and petitioners to the Value Adjustment Board are no longer required to prove the assessed value of their property was inaccurate. The Palm Beach County Value Adjustment Board received a record 19,800 petitions in 2009 from residents who pay a \$15 filing fee in comparison to the approximate \$47 in costs to the County to facilitate a petition. In 2010 while the number of petitions filed has decreased, the number of hearings has remained consistent with 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.

#### **EXPANSION OF ALLOWABLE EARLY VOTING LOCATIONS**

Palm Beach County supports legislation that would increase the types of facilities that can host early voting sites in order to decrease the burden on local library systems.

#### **BED TAX COLLECTIONS**

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

Include the following language in Florida Statute:

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

# **EDUCATION**

## ***SUPPORT ISSUES***

### **STATE LIBRARY FUNDING**

Local governments receive State support for libraries through three different programs: the State Aid program, the Regional Multi-type Library Cooperative Grant program, and the Public Library Construction Grant program. Continuation of these funding sources will ensure that the State will play an appropriate role in enhancing public library service by matching local library expenditures, enhancing consortia services to area libraries, and providing needed dollars for the construction of new public libraries.

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

#### **State Aid**

During the current economic environment, libraries play an increasingly important role to the residents of the counties not only to check out books and videos, but also to use the libraries' computers for job searches, access to the internet to get government services, resume writing and even as a replacement for home internet access. In addition, attendance at free library programs for both youth and adults has also increased and some people have related that rather than send their children to summer camps, they utilize the library. Libraries play an increasingly important role in local economic development by providing vital services to small businesses and job seekers. In order to avoid further deterioration in library funding, amend Florida Statutes to restore funds for State Aid to Public Library Grants from the current \$21.3 million to the 2001 level of \$33.4 million.

F.S. 257.195 would be amended to read:

In the event of revenue shortfalls which necessitate budget reductions during any fiscal year, the total appropriation for library grants from state sources shall have the same ratable reduction as that applied to the operating funds of the Division of Library and Information Services or such reduction shall be at the discretion of the Secretary of State.

As a benchmark, minimum funding levels for State Aid to Public Libraries shall not be less than FY2012/2013 funding of \$21.3 million, and the Legislature and Secretary of State are encouraged to restore funds to the FY2001 State Aid level of \$33.4 million.

#### **Regional Multi-type Library Cooperatives**

The Palm Beach County Library System is part of the regional multi-type library consortia known as the Southeast Florida Library Information Network (SEFLIN), which connects both public and private libraries of all types to one another and allows the community to be served more effectively through the joint use of technology, continuing education and training of library staff. Each grantee is awarded up to \$400,000 but it

requires a ten percent cash match of local funds. State funding should be restored to \$1.5 million level, the level vetoed from the 2012-2013 budget. 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

### **FLORIDA ATLANTIC UNIVERSITY FUNDING**

Support the request of Florida Atlantic University to restore funding that was cut from the State University System in the 2012 Legislative session.

Without adequate funding at our state universities, much needed graduates for innovative companies that have been recruited to our State as part of Florida's strategic plan for economic development and diversification will not be available.

### **SIGNAGE AT PUBLIC SCHOOLS**

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

Support legislation that would extend the current state program that allows the School District of Palm Beach County to continue with the current signage program.

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

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

In addition, continue to support the provision of school readiness programs through public school districts and support efforts to maintain local control over Early Learning Coalitions.

### **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.