

2008 STATE LEGISLATIVE PRIORITIES, FUNDING REQUESTS AND ISSUES



SEMINOLE COUNTY GOVERNMENT

State - Top Legislative Priorities



SUPPORT legislation giving counties the authority to implement a Local Option Rental Car Surcharge Tax for transportation related improvements.



SUPPORT legislation that gives all charter counties the authority to implement the Charter County Transit System Surtax. SUPPORT current statutory authority giving counties the discretion to distribute these revenues to municipalities pursuant to an interlocal agreement under F.S. Chapter 163.



SUPPORT advancement of necessary language to allow local governments to participate in the State's Deferred Compensation Program.



SUPPORT funding for driver education programs for young adults.



SUPPORT a holistic approach to property tax reform that looks to modify the tax structure in an effort to rebalance the property tax system for all property owners and provides predictable and stable revenue for the provision of essential public services.



SUPPORT the creation or enhancement of alternative public revenue sources to fund essential service needs of local communities.



OPPOSE efforts to diminish or eliminate county home rule authority, both administrative and fiscal, allowing counties to develop and implement community-based solutions to local problems.



OPPOSE any shifting of costs for government services and programs from the state to counties, unless state and county elected officials deliberatively evaluate the appropriate funding and delivery of intergovernmental service responsibility.

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State - Funding Requests

A. Pedestrian Overpass (Howell Branch Road & SR 426) - \$7 Million

Request - \$7.0 million to construct a pedestrian overpass at the intersection of Howell Branch Road and State Road 426. The project serves as a regional trail/pedestrian link between Seminole and Orange Counties. It was approved by the Metro Plan Orlando Board in 2004 as part of the Long Range Plan 2025.

The County completed the south link of the Cross Seminole Trail, which terminates at the Orange County Line. Orange County will be tying into this section of the trail which will provide a connection to the downtown Orlando Area. The trail serves both recreational and commuter users. In Seminole County it intersects with SR 426 and Howell Branch Road. Approximately 50,000 cars a day pass through this intersection. The pedestrian overpass will enhance the safety at this intersection. The total cost of the project is \$7.0 million for design, right-of-way and construction. Neither the County nor the State has funds at this time.

B. Cross Fl Greenways Trail–Seminole County/Winter Springs - \$3.5 Million

Request - \$3.5 million to develop the Cross Florida Greenways Trail in Seminole County/Winter Springs. The Cross Florida Greenways Trail is part of a planned connection to Orange County and a regional trail system connection to the Seminole County trail system and eventually part of the Florida National Scenic Trail System. The section of the trail in which the County is seeking funds is in Winter Springs between Layer Elementary School and Old Sanford/Oviedo Road. The project was approved by the Metro Plan Orlando Board in 2004 as part of the Long Range Plan 2025.

The County and City of Winter Springs are working with a property owner in this area to develop another alternative that may only cost \$1.5 million to construct.

The trail serves work, recreational and school access purposes. It also is a “missing link” for a multi-county trail and; therefore, is significant in terms of need and importance. The total cost of the project is \$3.5 million.

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State - Funding Requests

C. State Road 46 – Regional Evacuation Route (SR 415 to US 1) - \$8 Million

Request - \$8.0 million to develop State Road 46 from SR 415 to US Highway 1. The funds sought would cover the project development and environment phase of this project, which expands State Road 46 to 4-lanes from SR 415 to US Highway 1 in Brevard County. Widening State Road 46 would significantly improve travel on a regional basis and provide an upgraded hurricane evacuation route. The total cost of the project is \$120.0 million. The project in Seminole County was approved and adopted by the Metro Plan Orlando Board in 2004 as part of the Long Range Plan 2025.

The County expects the funds to be provided by the Florida Department of Transportation which would be the agency to implement the project since it is a State roadway and serves traffic on a regional basis. As an evacuation route, it directly serves Orange, Seminole, Volusia and Brevard Counties. Indirectly, it would serve as a primary or secondary route for other coastal Counties along the east coast of Florida.

D. Regional Alternative Water Supply Program - \$2.0 Million

Request - \$2.0 Million to assist in the design of the Yankee Lake Regional Surface Water Facility for augmentation of the reclaimed water system to offset potable ground water demands. The project will serve the Northwest/Northeast Service Areas of the County as well as provide resources to the Seminole, Lake Mary, and Sanford Tri-Party Re-claim System. This project also includes the design for the base infrastructure for expansion to a regional 25 million gallon per day potable water treatment plant to further offset regional groundwater withdrawals. St. Johns River Water Management District (SJRWMD) has determined, through studies conducted since the mid-1990's that the withdrawals from the Upper Floridian aquifer may result in adverse environmental impact. This project will help us meet the St. Johns River Water Management District regulatory controls along with possible grant funding from SJRWMD up to a maximum \$12.0 million for construction.

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2008 Legislative Session Issues by Department

County Attorney's Office/County Manager's Office..... Susan Dietrich



Protecting Charter County Home Rule Authority

Seminole County Government has worked diligently to preserve the democratic principles, specifically the notion that the government closest to the people is the proper authority to serve the needs and requirements of the community. Home rule is the right of the people to determine and implement a public purpose at the grassroots level. Home rule power is authorized under F.S. Chapter 125.01 and Article VIII of the Florida Constitution. Preserving this fundamental democratic concept is essential to the operation of county governments.

Recommendation: OPPOSE efforts to diminish or eliminate county home rule authority, both administrative and fiscal, allowing counties to develop and implement community-based solutions to local problems.



Cost Shifts of Government Services and Programs

It is considered an unfunded mandate when county governments, by state directive, are required to provide a service, program or benefit without receiving the necessary funding. It is recognized that some state mandates are justified because they achieve agreed upon statewide policy goals. However, many mandates on counties are imposed without the consensus of local governments or the necessary resources for implementation. Mandates drain financial resources from the County, as well as limit our ability to adequately deliver the fundamental services required by law. Mandates also compromise the County's ability to provide discretionary services requested by the local community.

Recommendation: OPPOSE any state or federal actions that limit the ability of the Board of County Commissioners to make fiscal and public policy decisions for Seminole County. SUPPORT the establishment of an agreed upon course of action whereby state and county elected officials deliberatively evaluate the appropriate funding and delivery of intergovernmental service responsibilities between counties and the state.

Chapter 119 issues (Sunshine Laws)

F.S. Chapter 119 deals with public records, which is defined as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics, or means of transmission," created or received in connection with government business. All such records are available for inspection unless specifically exempt by the Legislature.

Recommendation: MONITOR proposed legislation in this area.

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2008 Legislative Session Issues by Department



Driver Education Programs

On October 28, 2003, the Board imposed a \$3 assessment on civil traffic penalties to fund driver education programs under the Dori Slosberg Driver Education Safety Act. On October 25, 2005, the Board added Drivers Education Programs to its list of top priorities for Seminole County. On September 12, 2006, the Board approved an ordinance to increase the civil traffic penalty for driver education from \$3 to the new statutory maximum assessment of \$5. The program is still under-funded and limits the number of students that can be served. Seminole County teenage drivers are 7% of our population, with 20% of those drivers being involved in crashes. The County is experiencing a 15% fatality rate among teen drivers. Several County agencies are actively addressing driving safety for young adults. The Board has supported a proposed pilot program with a total cost of \$2M in year one \$1.3M in year two; that would serve 240 students per year.

Recommendation: **SUPPORT** funding for driver education programs for young adults.

Community Information.....Matt Chesler

Cable and Television Programming, Video programming over Internet-using cable and Digital Subscriber Line (DSL).

Recently, one of the main areas that has been affected by telecom reform is cable video franchising. Historically, franchise agreements have been established at a local level. Local governments would work with the cable provider to develop an agreement, which would allow them to offer cable services. A major concern is retaining local control of public right of way and protecting the revenue received from cable services.

There are also unknown impacts associated with the growing market for video programming over the internet using cable and DSL.

Recommendation: **SUPPORT** legislation that overturns the 2007 legislation that diminishes or eliminates local cable franchise authority. **MONITOR** any potential legislation that deals with video programming over the internet using cable and DSL.

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2008 Legislative Session Issues by Department

Community Services David Medley

Affordable Housing

The current increase in home costs within Seminole County has eroded affordable housing stock. Funding made possible by the State and Local Housing Trust Fund (the “Trust Fund”) enables many citizens to experience the satisfaction of homeownership. The revenue for the Trust Fund is derived from doc stamps that are paid by citizens of Seminole County and the other 66 counties in the state of Florida. The Trust Fund was created as a result of the Sadowski Act to assist very low income, low income and moderate income Floridians to become homeowners.

Recommendation: SUPPORT retaining the full amount of dedicated documentary tax revenues towards state and local affordable housing programs.

Nursing Home Billing (Certificate of Residency)

In March of 2005, the Agency for Health Care Administration released a report that was researched and compiled by the State Medicaid County Billing Workgroup. This report addressed problems with Medicaid Nursing Home County Billing, also known as Certificate of Residency (COR). To date no action has been taken to implement the recommendations made in that report.

The County is required to pay a portion of the monthly Medicaid Hospital and Nursing Home bill based on the number of CORs indicating Seminole County as primary residence. When the County receives the bill, staff verifies that a COR has been received for each client listed. If not, the client is deleted from the bill and that information is provided to the Office of Health Care Administration. Like Seminole, some counties, have routinely reviewed the bills for accuracy, while other have simply paid the amount billed. There have been discussions for several years regarding elimination of the entire process and billing each county a “pro rata” share of the total state nursing home costs. Suggested methodology’s for determining each county’s share have included (1) each county’s share of total nursing home beds in the state, or (2) use of a two or three year historical average reviewed periodically and updated. The potential liability is the loss of assurance that the County is actually paying for its residents and no defined way of appealing the bill.

Recommendation: MONITOR any proposed changes to determine the impact on Seminole County.

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2008 Legislative Session Issues by Department

Economic Development..... Bill McDermott

Workforce Housing

Seminole County Government has a very successful business recruitment and retention program. However, the rising cost of housing is increasingly a bottom-line concern. Like transportation and education, the availability of affordable workforce housing affects directly the ability to attract and retain an adequate, stable and skilled labor pool at competitive wages. Although the approaches to workforce housing issues are from different perspectives, businesses and housing advocates have many goals in common. Workforce housing should be aimed at helping workers such as teachers, firefighters, nurses, and county employees, who are increasingly being priced out of the housing market.

On a broader level, the issue should not be limited solely based on the need of the workforce for affordable housing, but also how much workforce housing is produced, where it is produced, as well as how to address the challenges of producing it where it is needed.

Recommendation: SUPPORT state funding to advance workforce housing.

Community Redevelopment /Brownfield Redevelopment

Brownfield and voluntary cleanup programs began in the late 1980's in response to the realization that public funding was not sufficient to address the complexities of contaminated site cleanups. Upon completion of the cleanup, the property receives documentation that provides some degree of environmental closure and clarity of any possible future liability obligations. Seminole County is committed to the redevelopment of Hwy 17-92 and redevelopment of lands that can be developed throughout the county.

Recommendation: SUPPORT/MONITOR any state incentives associated with brownfield redevelopment.

Economic Development Innovation Incentive

Seminole County's economic prosperity rests on the stability of community leadership and the tools that are made available. State incentives of concern include, but are not limited to, Funding of Enterprise Florida's budget, Transportation Incentive Fund and the Qualified Targeted Incentive Fund. These programs are monitored to ensure that funding levels are adequate and efforts are not being made to rewrite the rules. Legislation which would reduce the cost of doing business in the state is closely watched.

Recommendation: OPPOSE/MONITOR any proposed changes that would limit the County's ability to attract and retain jobs to our community.

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2008 Legislative Session Issues by Department

Special Use of Tourist Development Tax Funds

Seminole County Government Tourist Development Council was formed in 1988 as part of the legislation establishing the Tourist Development Tax (TDT). The County's mission is to promote activities that will bring a significant number of new or repeat visitors and create a positive economic impact. The TDT, also known as "Bed Tax" or "Resort Tax", is a 2% tax on rentals or transient lodging of (6) months or less. There has been discussion within the industry to look at special uses with TDT funds dealing with the following issues:

1. Beach Renovation and Erosion
2. Disaster Re-Building
3. Infrastructure – Roads around tourism entities, i.e., convention centers
4. Building, O& M Facilities currently not covered by the Statute
5. Lobbying against oil and gas rigs on the Coast
6. Raising incentives given to Film Producers

Recommendation: MONITOR any proposed changes to the use of TDT funds.

Environmental ServicesBob Briggs

Water Transfer

OPPOSE legislation that undermines existing Florida water law which states that a county in which water is withdrawn shall not be deprived directly or indirectly of the prior right to reasonable and beneficial use of water which is required to supply the needs of that county's natural systems or any of the inhabitants or property owners therein. SUPPORT continuation of state law on local sources first.

Water Supply Funding

SUPPORT legislation that enhances regional and local financial capacity to address water resource and water supply development. SUPPORT legislation that enhances the flexibility of expenditures from the state, regional, and local funding sources to address water resource and supply development. OPPOSE any legislation to expand the existing limitations on the use of Florida Forever funding for water resource development. SUPPORT the Water Protection and Sustainability Program within the Department of Environmental Protection and continuation of statutory levels of state funding of alternative water supply development

Water Governance

SUPPORT the existing framework of regional water management while working to improve coordination between water management districts and local governments, such as the Consumptive Use Program (CUP) duration and partnership encouragement by the Water Management District (WMD) to our regional facility.

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2008 Legislative Session Issues by Department

Fiscal Services Lisa Spriggs



Property Taxation Reform

The 2007 legislative session included multiple actions regarding property tax reform that have a material impact on the ability of local governments to respond to essential service demands.

Recommendation: SUPPORT a holistic approach to property tax reform that looks to modify the tax structure in an effort to rebalance the tax system for all property owners and provides predictable, stable revenue for the provision of essential public services. OPPOSE additional legislation that further diminishes the fiscal capacity of the County or that substantially shifts the property tax burden. OPPOSE revisions that further increase the inequities in taxable valuations for similar properties. OPPOSE expenditure and revenue caps.

Revenue Flexibility (Board Priority)

Ad valorem revenue is the primary source of revenue for operation of county government. With an emphasis on tax reform, counties must look to other tax and non-tax revenue sources to fund essential service needs.

Recommendation: SUPPORT the creation or enhancement of alternative public revenue sources to fund essential service needs of local communities.

Indexing Motor Fuel Rates

Since all local government fuel taxes are established as a fixed amount per gallon, as the cost of providing transportation related services increased due to inflation, the corresponding funding source, fuel taxes, remains flat. While state imposed fuel taxes are indexed to the CPI, local option gas taxes are not indexed. The ability to index local option fuel tax rates to the CPI is needed to generate additional revenues to keep up with the increased costs of providing the services for which the tax was originally levied.

Recommendation: SUPPORT legislation to provide for indexing local option fuel taxes levied per gallon based on changes in the CPI.

Article V / Revision 7

The Florida Legislature as mandated by the voters enacted Article V legislation that was implemented in 2004. The Legislature also enacted glitch bills to address some of the issues and concerns which were raised as a result of the legislation. Several matters

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Article V / Revision 7 (Continued)

remain unresolved, such as concerns regarding allocation methodology used in the distribution of fines and fees, arbitrary requirements that require counties to spend progressively more money each year on court activities regardless of whether those activities will actually cost more money or not, and duplicative reporting requirements that are not consistent with uniform financial reporting requirements of the state. Additionally, counties continue to be responsible to provide for services that are unfunded mandates.

Recommendation: SUPPORT revisions that address issues related to Article V legislation. SUPPORT the elimination of county responsibility for funding subpoena services, auxiliary aids, courier services, phone services and other line or communication services changes, as communication requirements under F.S. Chapter 29.008. SUPPORT limiting county responsibility for information technology needs of the courts to the infrastructure necessary for the communication of computer terminals.

Human Resources.....Janet Davis



Deferred Compensation

Deferred compensation has been a major priority for the County for several years. The proposed changes needed to allow local government employees to be members of the state deferred compensation plan include removal of the restrictions in statute that limit the deferred compensation plan established by the Chief Financial Officer state employees, and the addition of language authorizing participation in the program by employees of local governmental entities.

Recommendation: SUPPORT advancement of necessary language to allow local governments to participate in the State's Deferred Compensation Program.

Information Technology.....Priscilla Glasgow

Technology Programs

Over the past decade, phenomenal technological advancements have occurred. The challenge has been to determine its impact on service delivery. Technology initiatives, telecommunications services, frequency/spectrum (FCC) and domestic/regional homeland security are all programs that require monitoring.

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Technology Programs(Continued)

Recommendation: **MONITOR** any proposed changes to the technology programs to determine any impacts on county government.

Leisure ServicesJoe Abel

Funding Programs

As the need for services expands, so does the need for state funding. The County supports maintaining or enhancing funding levels for *Florida Recreation Development Program (FRDAP)* and *Florida Communities Trust (FCT)*.

Recommendation: **SUPPORT** legislative appropriation to allow for greater number of projects to be funded and full funding for **FRDAP** and the **FCT**. **SUPPORT** increase in maximum grant award amount.

Additional Items:

- *Creation of the Florida Forever Program successor program*
- *Removal of the CAP imposed by the 2005 Legislature on the Land Acquisition Trust Fund*
- *Support criminal penalties for the assault and battery of parks and recreation staff and volunteers*
- *Make affordable the requirements for individuals serving as volunteer coaches to be fingerprinted and background checks*
- *Take every measure available to protect youth from exposure to sexual offenders and predators by empowering local law enforcement to prohibit known sex offenders and predators from frequenting areas where children naturally congregate.*

Library Services.....Jane Peterson

State Aid to Libraries Grant Program

This is an incentive program designed to encourage counties and municipalities to provide library service to their residents and to provide funding to **SUPPORT** library services. The program is intended to provide funding up to 25 cents on each dollar of local funds expended for library operation and maintenance. In fiscal year 2005/06 the actual grant award was for 5.4 cents on each dollar of local funds expended.

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State Aid to Libraries Grant Program (Continued)

Recommendation: **SUPPORT** full funding of State Aid to Libraries based on the current statutory formula that provides counties 25 cents for every local dollar spent. **MONITOR** to ensure programs are fully funded.

Cultural Facilities Grant Program

The Florida Department of State, Florida Arts Council offers the Program to provide SUPPORT in funding renovations, construction, or acquisition of cultural facilities. Seminole County has submitted an application for the construction of the Museum of Seminole County History – Education Multi-Purpose Building in the amount of \$500,000. The Division of Cultural Affairs evaluated the applications and provided funding recommendations for review by the legislature in 2007. The program was not funded in 2007; therefore the applications will be resubmitted for consideration by the 2008 legislature.

Recommendation: **SUPPORT** full funding of grant application for the Museum of Seminole County History – Education Multi-Purpose Building.

Planning & Development Sheryl Stolzenberg

Growth Management Legislative Changes

Growth Management continues to evolve each year as legislation is being proposed. The county supports a comprehensive planning framework with state oversight, along with regional coordination. However, there must be a realization that many local land use decisions result in minimum to no impact on state interest. Seminole County should retain maximum flexibility to address local concerns and conditions. The state should yield to local decision makers and encourage regional coordination.

Recommendation: **MONITOR** growth management related legislation and determine the potential impacts on the county.

Agricultural Enclaves

HB 1015 passed in 2006 grants the owner of land meeting the definition of an agricultural enclave the right to have a proposed land use amendment transmitted to the State Department of Community Affairs (DCA). This automatically occurs after 180 days of negotiating with the local government to reach a consensus on land uses and intensities of use. Further, this occurs regardless of the local government's opposition to the land use amendment even if the local government determines that the proposed amendment is not compatible with surrounding land uses.

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Agricultural Enclaves(Continued)

Recommendation: SUPPORT a ‘glitch’ bill” to change HB 1015 to remove the right to have the proposed land use amendment automatically transmitted to the DCA.

Annexation Issues

There has been no preliminary information to indicate that legislation is under consideration that affects annexation issues, particularly issues involving Interlocal service delivery that may alter or interfere with existing arrangements.

Recommendation: SUPPORT reform of municipal annexation for the dual purposes of supporting acceptable growth management principles and promoting cost-effective and efficient local government service delivery. OPPOSE revisions that lesson county oversight and participation in the annexation process, including weakening the power of charter provisions to control voluntary annexation methods. MONITOR legislation that is proposed to address annexation and municipal service delivery issues.

HOMETOWN Democracy

Efforts are underway to place a referendum on the ballot to enable voters to approve any proposed change to a comprehensive plan. The impacts of this on local government expenditures are unclear, because local governments are required to amend the text of the comprehensive plan each time the legislature so dictates and there is no private sector 'applicant' to pass the costs to. In addition, costs for updating or revising Land Development Codes in response to HomeTown Democracy are also unknown.

Recommendation: SUPPORT any bill introduced to provide financial assistance to local governments forced to hold elections to achieve text amendments to their plans that are mandated by the Legislature, and SUPPORT any bill that provides financial and technical assistance to local governments in need of assistance with their Land Development Regs as a result of HOMETOWN DEMOCRACY.

Mobile Home Park Resident Displacement

The Legislature previously enacted Legislation allowing owners of land used for mobile home parks to request rezoning for another use, with the provision of notice to occupants of the mobile home park and minimal compensation to those owners. As this has come about, mobile home residents have appealed to the Legislature for relief. The Legislature considered bills last regular session that would mandate compensation from the local governments if a rezoning is granted. The Legislative rationale for this was that

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Mobile Home Park Resident Displacement (Continued)

local governments would benefit from the higher property taxes resulting from the redevelopment. In fact, with the changes in property taxes, this is unlikely to be the case (changes to residential uses would probably cause an overall loss in taxes versus the costs of services). In addition, because laws already mandated that a mobile home park owner has the right to request this change, most local governments can only oppose the change if it would conflict with adjacent land uses, not because of a hardship to the occupants.

Recommendation: **MONITOR** any bills introduced that will shift the cost to local government and **SUPPORT** a bill that would require the owner of a mobile home park, who is the actual entity that benefits from a land use change or rezoning, to be required to provide greater compensation and moving expenses to displaced park residents **OR** to find them alternative housing.

Public Safety Tad Stone

Public Safety & Security

Protecting the health, safety and welfare of the citizenry is of paramount importance to Seminole County Government. Historically, county governments have ensured public safety and security through operating county emergency management by providing fire and rescue services. It is imperative for state policy to maintain county government control of Emergency Management systems during emergencies and threats. It is also important that, as the population continues to grow, the state provide enhanced and/or dedicated funding sources to assist with a number of these services.

Recommendation: **MONITOR** any proposed changes to ensure local control is not diminished or eliminated or that would limit the County's ability to receive funding or any programmatic changes.

Public Works Jerry McCollum



Local Option Rental Car Surcharge

Florida provides for a statewide rental car surcharge of \$2 per day. Revenues from the surcharge are distributed 80% toward statewide transportation efforts, 15.75% toward the state's tourism promotion and marketing efforts, and 4.25% toward the state's international trade efforts.

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Local Option Rental Car Surcharge (Continued)

The County would benefit from the ability to impose a Local Option Rental Car Surcharge of \$2 per day to be utilized for transportation-related improvements. The

surcharge would apply to motor vehicles licensed for hire and designed to carry fewer than nine passengers, regardless of whether the motor vehicle is licensed in this state. The surcharge would apply to the first 30 days of each lease or rental and would not apply to a lease or rental of a motor vehicle being used while an owner's vehicle is undergoing maintenance or repair. The surcharge would require voter approval in a countywide referendum

Recommendation: SUPPORT legislation giving counties the authority to implement a Local Option Rental Car Surcharge Tax for transportation related improvements.



Charter County Transit System Surtax

The Charter County Transit System Surtax may be levied at a rate of up to 1 percent by those charter counties that adopted a charter prior to January 1, 1984 (seven counties are eligible), as well as by those county governments that have consolidated with one or more municipalities. The tax levy is subject to voter approval. Generally, the use of the proceeds is for the development, construction, operation, and maintenance of fixed guideway rapid transit systems, bus systems, roads and bridges.

Recommendation: SUPPORT legislation that gives all charter counties the authority to implement the Charter County Transit System Surtax. SUPPORT current statutory authority giving counties the discretion to distribute these revenues to municipalities pursuant to an interlocal agreement under F.S. Chapter 163.