



Collier County Addendum

2013 Legislative Priorities & Outcomes

Presented to:
The Collier County Board of County Commissioners

May 28, 2013



2013 Collier Legislative Priorities & Outcomes

To: The Honorable Donna Fiala, District 1
The Honorable Georgia Hiller, District 2
The Honorable Tom Henning, District 3
The Honorable Fred Coyle, District 4
The Honorable Tim Nance, District 5

From: Keith Arnold

Date: May 28, 2013

Re: 2013 Legislative Summary

Please find enclosed Collier County's Legislative Priorities & Outcomes for the 2013 Legislative Session. The document serves as an addendum to the Legislative Summary included in your packets and outlines related legislative activities and outcomes for specified Collier County legislative priorities.

Again, we appreciate the opportunity to represent Collier County and look forward to our continued work together.

FOWLER WHITE BOGGS P.A.

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Collier County 2013 State Legislative Priorities & Outcomes

*The Board of County Commissioners on behalf of Collier County citizens advocates for the overall principles of preserving the **Home Rule** authority of local governments; opposing state **Preemption**; opposing **Unfunded Mandates**; and protecting against **Trust Fund Diversions**.*

- A. Public Safety Center on Alligator Alley** – *Oppose changes to the existing statute that provides both construction and operational funding for the proposed Public Safety Center being constructed by the Florida Department of Transportation (FDOT) at Mile Marker 63.*

The Fowler White Boggs (FWB) team worked closely with Senator Richter and the County to oppose an amendment to current state law which deleted state funding for operations of Mile Marker 63. The deletion was included in the FDOT Transportation Package, SB 1132/HB 7127, as a priority of the Secretary. We met with Senator Richter and staff multiple times during Session to relay the County’s position on the issue. Senator Richter worked closely with FDOT Secretary Prasad on an alternate funding source for the Public Safety Center.

In the end, the bills ultimately failed to pass the Legislature and there is no change to current law.

- B. Beach Funding & Maintenance** – *Advocate for increased funding for beach renourishment and maintenance for coastal counties; beaches continue to be the State of Florida’s economic engine and tourism industry driver, attracting visitors and creating jobs. In the FY 2012-2013 FDEP Beach Management budget, \$14.8 million was “allocated to the seven (7) highest prioritized projects.”*

Beach Restoration was funded at \$37.5 million (\$18.2m GR and \$19.2 million TF) in the FY 2013-14 State Budget. Working with the County, Senator Richter and the Florida Shore and Beach Preservation Association, \$998,000 is allocated in the budget to fund Collier County beach re-nourishment engineering costs.

- C. Offshore Drilling in Gulf of Mexico** – *Support permanently prohibiting offshore oil and gas drilling in Florida territorial waters, which are within nine (9) geographic miles from the coast of the Gulf of Mexico. Support state demands that the federal government exert rigorous oversight of any current and future*

drilling outside state waters and insist no monetary limitations for any drilling mishap are set.

There was no legislative activity regarding offshore drilling this Session.

D. Revenue & Expenditure Caps (TABOR) – *Oppose legislative or Constitutional restrictions on county authority to determine local tax burden or local financial commitments to services and quality of life. Specifically, oppose state legislation mandating local governments cap revenue and expenditures.*

There was no legislative activity regarding TABOR this Session.

E. Impact Fees – *Support home rule authority over administration of Collier County’s existing impact fee program. In 2012, no significant stand-alone legislation passed regarding impact fees. In 2011, SB 410 passed as a response to litigation regarding HB 227 of 2009. The bill reenacts the section of law that created the preponderance of evidence standard of review for local governments in cases challenging the imposition or amount of an impact fee.*

HB 321/SB 1716 Impact Fee Moratorium passed the House but died in the Senate. HB 321 and SB 1716 were amended in various committees to significantly limit the scope of the bills. In their final form, the bills would have exempted new commercial development under 6,000 square feet from having to comply with impact fee, transportation concurrency or proportionate share requirements for three years. The exemption would have been from July 1, 2013, through June 30, 2016. The exemption would have not applied to new development if revoked by a majority vote of the local government, altered a local government's financing contracts or bonds, or if the developer elected to not have the exemption applied.

HB 319 Community Transportation Projects did pass this year. The bill encourages any local government implementing an alternative mobility funding system to follow the same general principles as local governments implementing transportation concurrency. Alternative funding systems must provide a means for new development to pay for its impacts and proceed with development. If an alternative funding system is not mobility fee based, it may not require new developments to pay for existing transportation deficiencies.

The bill allows local governments to pool contributions from multiple applicants toward one planned facility improvement. The bill also provides that an applicant may satisfy concurrency requirements by making a good faith offer to enter into a binding agreement and requires local governments

to provide the basis upon which landowners will be assessed a proportionate share of costs.

*F. **Libraries** – Support State Aid to Libraries and cooperatives like the Southwest Florida Library Network (SWFLN). Full funding for Library multi-type cooperatives is about \$1.5 million. That amount was passed by both Senate and House in FY 2012, but vetoed by the Governor. The funding is used to provide a variety of services that support library services to all types of libraries in Florida. The Collier local coop ‘SWFLN’ provides staff training, support for delivery of library materials for Inter-Library Loan, etc.*

State Aid to Library Grants were funded at \$22.3 million and Library Cooperative Grants were funded at \$1.5 million. Both line items survived the Governor’s veto pen.

*G. **Transportation Disadvantaged Program** – Support continued restoration of funding by the Florida Legislature of the Transportation Disadvantaged (TD) program and assure that the additional \$10 million committed in 2012 (SB 1998) for funding in FY 2013-14 is secure. The county is no longer the provider of Medicaid non-emergency transportation services, but continues to serve as the Community Transportation Coordinator (CTC) for all other TD services. In the 2012 Legislative Session, the Legislature provided an additional \$5 million for TD services statewide. In 2012, Collier County received: Trip and Equipment Grant \$679,971, FTA Grant \$254,781, and local funding \$2,528,100. The total 2012 budget: \$3,462,852*

FWB works closely with the Transportation Disadvantaged Commission, attended the Commission’s annual Legislative Day and set meetings with the Executive Director and the County during Tallahassee visits to discuss aspects of the program.

The Transportation Disadvantaged Program was funded at \$111 million for FY 2013-14, a roughly a \$7.6 million net increase over last year to fund transportation for the elderly, medically fragile, and underprivileged. A study also included in budget proviso allocates \$200,000 to assess unmet need statewide for TD services, and to review existing requirements for background screenings of direct providers.

*H. **Florida Building Code** – Support review and simplification of the Florida Building Code as a means to promote business expansion and job growth.*

Prior to Session, it was determined this priority would be handled locally and not as a state issue. However, HB 1245 Building Construction was filed for 2013, which made numerous changes to the state building code. The bill

passed the House but died in the Senate. Provisions included in HB 1245 would have:

- **Required county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions to specify the use of lumber, timber, and other forest products produced and manufactured in Florida if wood is a component of the project, with certain exceptions;**
- **Exempted certain demolition work on a construction project from the requirements for licensure as a contractor;**
- **Increased the maximum civil penalty a local governing body may levy against an unlicensed contractor;**
- **Removed a requirement that local governments send minor violation notices of noncompliance to contractors prior to seeking fines and other disciplinary penalties;**
- **Increased the maximum civil penalty by local code enforcement officers against unlicensed electrical and alarm system contractors from \$500 to \$2,000;**
- **Prohibited adopting mandatory sprinkler provisions of the International Residential Code within the Florida Building Code or any local amendments to the state code.**
- **Authorized the use of an electronic copy of a building site plan to be maintained for record retention and inspection purposes at a building site.**

New Issues:

- *Synthetic Drugs – Support, like FAC, expanding the controlled substance schedule to include new versions of synthetic formulas that copy the effects of illegal drugs. Support prohibiting certain types of packaging and marketing of any products claiming to mimic the effects of illegal drugs. Known as synthetic marijuana, spice, bath salts, and a myriad of other names, these substances are being sold at local service stations and convenience stores, can be highly addictive, unpredictable, and attractive to youth and young adults. Marketed with packaging and affordable price aimed at youth. Effects vary as mixtures are inconsistent.*

SB 294 Controlled Substances was passed by the 2013 Legislature and approved by the Governor on April 25. Synthetic drugs mimic the effects of cocaine, methamphetamine, and hallucinogens and have significant, and often dangerous, side effects. SB 294 is a continuation of the Legislature’s efforts to schedule synthetic drugs as they are identified. The bill codifies the Schedule I substances listed in the Attorney General’s emergency rule issued

on December 11, 2012, that temporarily scheduled several new synthetic cannabinoids, cathinones, and phenethylamines as Schedule I controlled substances.

- **Procurement** – Support, as FAC does, legislation amending the Consultants Competitive Negotiation Act (CCNA) to establish an optional (alternative) process for state and local entities to consider cost in the award of professional services agreements. Bills were filed last session, Senate Bill 246 and House Bill 155, seeking to amend the CCNA statute to include a “Best Value” option when competitively bidding professional services while also maintaining the current CCNA option for agencies to utilize at their own discretion.

FWB worked closely with Representative Metz (R-Groveland) on HB 739 CCNA, which implemented an alternative Best Value Option procurement methodology. We collaborated with Rep. Metz to have the bill heard in committee and provided him with background on the issue. County staff also met with the Representative during the trip to Tallahassee.

HB 739/SB 1002 died in committee.

- **No Kill Animal Shelters** – Oppose mandating No Kill Animal Shelters statewide, which according to FAC, is a movement spreading across Florida county by county. Central to its mission, Domestic Animal Services (DAS) in Collier County wholeheartedly supports all responsible efforts to first and foremost save animal lives. This is reflected through extensive efforts to reunite stray animals with their owners, adopt them to new homes, or place them with rescue groups. However, agencies are concerned that proposed legislation would substantially increase animal care costs associated with program administration and additional hold times mandated in the previously proposed legislation. Further, proposed law could inadvertently result in less humane treatment of animals through increased overcrowding at shelter facilities, increased risk of exposure to contagious infectious diseases, and placement with illegitimate rescue organizations.

No activity relating specifically to No Kill Animal Shelters occurred this Session. However, SB 674 Animal Shelters was passed and has been signed into law by the Governor. The bill requires all public and private animal shelters to compile and maintain records on dogs and cats that they receive, including their disposition. These records will be available for public inspection. The legislative goal is to be able to determine which programs result in higher adoption rates and lower euthanasia rates.

- **Pensions** – As FAC’s policy statement reads: Oppose any Florida Retirement System (FRS) benefit changes that result in an increase in the FRS county and county employee contribution rates. Support requiring all legislation that

potentially results in an increase in the FRS contribution rate to be analyzed and evaluated to determine the direct fiscal impact of proposed changes to all local governments and the state to be eligible for consideration.

Pension reform for state employees was one of the five stated priorities for both Senate President Gaetz and House Speaker Weatherford at the outset of Session. According to Senate leadership, Speaker Weatherford asked for an up or down vote in the Senate on his version of pension reform, which would have placed all new state employees in a 401(k)-style investment plan after January 1, 2015. The House plan failed on the Senate floor by an 18-22 vote.

The Senate counterpart, SB 1392, would have required only new Elected Officers' Class and Senior Management Service Class members to join the Investment Plan after July 1, 2014. It also would have changed the default for members who did not affirmatively choose a plan from the Pension Plan to the Investment Plan.

- *Medicaid – Encourage the state to overhaul the system and pursue an equitable method of collecting payments owed from counties on behalf of residents and patients. Addressing and cleansing of data must assure billing invoices disbursed are accurate.*

SB 1520, the Medicaid conforming bill, revises current county Medicaid contribution methodology after both chambers reached a compromise with the Governor and counties. The provisions include:

- **Basing county contribution percentages on 2012-13 actual collections for the first two years and then transitioning to percentages based on county Medicaid enrollees over 5 years.**
- **Year 1: Sets the total county contribution at \$269.6M using a 100% utilization-based formula**
- **Year 2: Sets the total county contribution at \$277M using a 100% utilization-based formula**
- **Years 3-7: Grows the total county contribution at 50 percent of growth in state Medicaid expenditures and transitions from utilization to an enrollment-based formula.**

SB 1520 passed the Legislature and has been approved by the Governor.

Enacted Legislation & Issues to Monitor:

- *Transportation – Oppose diverting the Transportation Trust Fund to non-transportation projects; \$200 million was transferred in 2012 from the*

Transportation Trust Fund into general state spending; oppose regionalization of Metropolitan Planning Organizations (MPO's).

The issues of MPO regionalization did not surface in legislation this year, although there was discussion of including the issue in the transportation package.

The Transportation TF was kept whole this year with the Work Program funded fully at \$8.67 billion and County Transportation Programs funded at \$152 million.

- ***Growth Management*** – Monitor any new Growth Management legislation, including Permitting, Transportation Concurrency, Proportionate Share.

HB 321 Impact Fee Moratorium failed to pass, but HB 319 Community Transportation Projects did pass. (See Page 2 under E. Impact Fees)

- ***Property Insurance*** – Senate Bill 408 passed in 2011, made numerous changes to property insurance that intended on lowering the regulations for insurance companies, stimulating competition, and attracting more insurers back to Florida.

SB 1770 Property Insurance passed this year making numerous changes to Citizens Property and the Hurricane Cat Fund. Major changes include:

- **Adds a professional structural engineer to the Florida Commission on Hurricane Loss Projection Methodology.**
- **Reduces the maximum Citizens policy limit from \$2 million to \$1 million and further reduces this amount by \$100,000 a year for 3 years to \$700,000. Allows for an exemption in certain counties in which the Office of Insurance Regulation (OIR) determines do not have a reasonable degree of competition.**
- **Prohibits Citizens from covering structures commencing construction after July 1, 2014, seaward of the coastal construction control line.**
- **Allows the Governor of Florida to appoint a consumer representative to the Citizens Board of Governors in addition to the current two appointments.**
- **Requires that Citizens disclose potential surcharge and assessment liabilities with each renewal notice.**
- **Requires Citizens to submit to the Legislature and Financial Services Commission an annual PML report for the upcoming storm season.**
- **Establishes an office of Inspector General at Citizens to be appointed by the Financial Services Commission.**
- **Requires Citizens to prepare an annual report on Citizens loss ratio for non-catastrophic losses on a statewide and county basis.**

Cat Fund

- **Renames the “Florida Hurricane Catastrophe Fund Finance Corporation” to the “State Board of Administration Finance Corporation.”**
- **Requires the CAT Fund submit to the Legislature and Financial Services Commission an annual Probable Maximum Loss (PML) report for the upcoming storm season.**

SB 1770 has not been presented to the Governor as of May 22, 2013.

- *Non-Judicial Foreclosures – Continue to oppose any foreclosure legislation that threatens residents’ due process and property owner rights.*

HB 87 Mortgage Foreclosures passed the Legislature and is awaiting gubernatorial approval. The bill provides several changes relating to the state’s foreclosure laws:

- **Reduces the statute of limitations for deficiency judgments on a foreclosure action from 5 years to 1 year and limits the recoverable amount of the deficiency in some cases.**
- **Requires the plaintiff in a foreclosure action to provide information to the court upon filing of the case regarding a lost, destroyed or stolen promissory note.**
- **Provides finality of a mortgage foreclosure judgment for certain purchasers of a property at a foreclosure sale while allowing for monetary damages.**
- **Allows any lienholder, instead of just the mortgagee, to utilize the statutory expedited procedure; reduces the number of hearings from 2 to 1; and prohibits service by publication when using the expedited procedure unless the property is abandoned.**
- **Defines adequate protections where there is a lost, destroyed or stolen note.**

The bill applies to existing mortgages and to pending cases. Among other items, critics of the bill maintain HB 87 limits homeowners due process by requiring payments be made into a registry of the court even if bank cannot prove it owns the home.

- *Pretrial Detention & Release Programs – Continue to oppose legislation altering pretrial programs; increased jail populations result; bills are supported by growing bail bond industry and expected to return. The Collier Sheriff’s Office and Court Administration are also opposed to the proposed bills.*

There was no activity this Session related to pretrial detention programs.

- *Regional Planning Councils – Monitor the funding of RPC’s statewide.*

Regional Planning councils were funded by the Legislature at \$2.5 million for FY 2013-14, but were vetoed by the Governor for the third straight year because as stated in the Governor’s Veto Letter, “*there is no clear mechanism for objectively measuring and evaluating the return on the state’s investment.*”

*Portions of the bill summaries are provided by Senate and House staff analyses