

## **CITY OF GAINESVILLE 2012 STATE LEGISLATIVE AGENDA**

### **GENERAL LEGISLATIVE POLICY**

#### **Preserve the City of Gainesville's Strategic Goals and Interests**

As a general policy, the City of Gainesville seeks to preserve its home rule authority to govern the city, its citizens, and its property. The city will oppose any legislation viewed as detrimental to the city's strategic goals or that is contrary to the health, safety, and welfare of its citizens.

The city will also oppose any legislation that mandates increased costs or loss of revenues, or that would diminish the fundamental home rule authority of the city.

The city supports any legislation that will advance the city's strategic goals, that improves the health, safety, and welfare of its citizens, or that responsibly increases revenues or enhances the city's authority to conduct the public's business.

#### **Florida League of Cities Legislative Priorities and Key Issues**

The City of Gainesville is a member of the Florida League of Cities (FLC). Members of the Gainesville City Commission and City of Gainesville staff participate in the FLC legislative policy setting process and legislative policy councils. The City Commission generally supports the legislative priorities and key issue positions adopted by FLC. Through the duration of the legislative session, City of Gainesville representatives will communicate our position on specific legislation and our concurrence or differences with the FLC position. As a Charter City under the Florida Constitution, the City of Gainesville supports the Home Rule Authority of local governments.

### **PRIORITY LEGISLATIVE AGENDA**

#### **Internet Gaming Establishments**

The City of Gainesville supports efforts by the State of Florida to increase enforcement and strengthen regulation of establishments offering sweepstakes or games of chance. Establishments offering sweepstakes or games of chance, often associated with internet based games, are regulated by State of Florida Statute. These establishments are quickly being opened throughout the Gainesville community and other communities statewide. While many of these establishments are operating within the provisions in State Statute, many may be offering a product that is not allowable in current regulation. Additionally, the City of Gainesville has experienced a high level of criminal activity at these establishments including violent armed robbery. The City of Gainesville will regulate sweepstake and game of chance establishments to the extent of our ability and request adequate support in the form of increased enforcement and enhanced regulation from the State of Florida to aid in this endeavor.

#### **Local Government Pension Plans**

Chapters 175 and 185 of the Florida Statutes were established under the pretext of providing a uniform retirement system for Firefighters (175) and Police Officers (185). The statutes authorize the establishment and collection of excise taxes on property and casualty insurance policies sold within a municipalities corporate limits to be used to pay for pension benefits of

firefighters and police officers. The Statutes also define minimum benefits and restrict the use of tax receipts above the base year (1997) to be used for “extra benefits”.

Gainesville, like many local governments, is experiencing significant increases in the cost of providing pension benefits for its employees. This rising costs, coupled with the revenue challenges brought on by the current economic conditions will necessitate granting Local Governments greater flexibility than is currently allowed by Florida Statutes 175 and 185. With non-public safety personnel, the benefit is bargained with those employee’s representatives, an agreement is reached, ratified and accepted by the governing body, in the case of public safety pensions, while the same collective bargaining process is followed, an additional hurdle exists that those changes must be approved by the Division of Retirement. Interpretations and approval/disapproval have traditionally been pro-employee. The Division’s ability to withhold premium tax funds acts as an additional hammer against local governments. There is significant concern that modifications to existing 175/185 chapter plans below current, or arguably below benefit levels in place in March 1999 would jeopardize the receipt of premium tax receipts as a contribution to the pension trust funds.

The Division of Retirement, the State agency charged with administering and interpreting Florida Statutes 175 and 185 has historically blocked local government attempts to create tiered pension systems citing a Division interpretation requiring a uniformity of benefits. This interpretation is rooted in the legislative intent where it is stated the purpose of these statutes is to provide a uniform retirement system for firefighters and police officers. In addition to the legislative intent, sections 175.333 and 185.341 require the use of a non-discriminatory formula based upon length of service and age; or length of service. For local governments to have the ability to create a tiered plan and retain the premium tax funds, these sections of the Florida Statutes will have to be amended to include the additions of date of hire and/or date of vesting. An additional significant hurdle local government will encounter when initiating changes that will reduce long-term costs relates to the minimum benefit levels that are required to receive the premium tax. Once the minimum benefit levels, already a costly benefit, are met, excess premium taxes can only be used to provide “extra benefits”. Extra benefits are defined as “benefits greater than those provided to general employees of the municipality”. In addition to setting minimum benefits levels, the statutes also lock in, regardless of whether those benefits exceeded the then minimum benefits levels, as the “new” minimums, benefits in existence as of March 12, 1999. This will likely be interpreted as limiting benefit modifications to not less than was provided at March 12, 1999. While maintaining those benefit levels may be possible, limiting a tiered plan to such parameters will certainly limit the fiscal savings associated with those changes. Modifying this language is of particular concern for Gainesville, as the City has not implemented, other than the Cost-of Living-Allowance (COLA), significant retirement benefits since March 1999.

Simplifying Statutes 175 and 185 to merely allow a system that provides realistic minimum benefits, to allow for all excess premium tax revenue to be used to provide these benefits, and to allow more flexibility to local governments is essential to enable local governments to react to the rising costs and current revenue pressures. Currently, as written, these statutes are being used as leverage against local governments when attempting to bargain in good faith with the respective collective bargaining units.

### **Innovation Square Incentives**

Innovation Square is a significant redevelopment project located between Downtown Gainesville and the University of Florida campus. This project is a coordinated effort of the City of Gainesville, the University of Florida, and Shands. From being a super incubator to company relocation, Innovation Square will support research and development companies in the physical, engineering, or life sciences. Innovation Square has the capacity to bring huge benefits to Gainesville. The most obvious impacts will be in the areas of economic development and job creation/retention among other benefits such as the redevelopment of the former Alachua General Hospital site and enhancement of the surrounding properties. The City of Gainesville supports incentive programs available through the State of Florida to encourage the continued development of Innovation Square and the attraction and retention of companies that will utilize Innovation Square and benefit the local and state economy.

### **Local Government Revenues**

The City of Gainesville is benefited by being the host community for the University of Florida as well as many state and federal agencies. These industries bring a multitude of workers and visitors to Gainesville as well as a robust student population. However, Gainesville is unique when compared to other communities in Florida because while the city is fortunate to have these public institutions, Gainesville does not receive ad valorem revenue from these industries. In fact, more than 50% of the property value within the city-limits of Gainesville is exempt from the tax roll. The City of Gainesville supports actions by the Florida Legislature that assists the city to overcome the financial situation created by the abundance of tax exempt property. Additionally, the City of Gainesville does not support legislation related to university campus development that creates a negative fiscal impact to the city without a mechanism to financially offset those impacts.

#### *Communications Services Tax*

The City of Gainesville does not support amendments to the Communications Services Tax rate that would result in a reduction of revenue to the city. Under current law, cities are authorized to impose communications services taxes at a rate of up to 5.1%, or higher rates which are authorized under various provisions of current law. The City of Gainesville opposes any efforts to reduce the rate lower than the current rate of 5.1%.

#### *Grant Programs*

The City of Gainesville utilizes many State of Florida grant programs. These programs often allow the city the ability to leverage local dollars along with grant funding to make meaningful and beneficial improvements to the community. This includes but is not limited to public infrastructure such as roads, sidewalks, and water / wastewater projects; public transportation projects; park and recreation enhancements; adult and youth programs; crime prevention and enforcement; affordable housing and neighborhood improvement; and environmental / resource conservation programs. The city supports the preservation and enhancement of current programs as well as new opportunities to address the needs of the community that can be addressed through grant partnerships with the State of Florida.

**Regulation of Alcohol Establishments**

The City of Gainesville supports the strengthening of Florida State penalties against bars / restaurants that violate alcoholic beverage laws. Currently, few non-compliant bars have their liquor licenses suspended or revoked or have significant fines levied. Additionally the city supports the regulation of drink specials that encourage excess or binge drinking behavior. The State of Florida is one of only a few states that do not restrict drink specials. The city also supports additional resources for the Division of Alcoholic Beverages and Tobacco for the inspection of alcohol establishments, enforcement of alcohol laws, and providing education to license holders.

**Warrantless Arrest Initiative**

The City of Gainesville is requesting an amendment to Section 800.03 F.S. to include a provision that if a person registered as a sexual offender/predator violates Section 800.03 F.S., law enforcement officers are allowed to make a warrantless arrest. Currently, if a law enforcement officer receives a report of an individual committing a lewd act in public, without actually witnessing the act, law enforcement can only initiate a sworn complaint against that individual. It then takes approximately six months to one year for a sworn complaint to become a warrant, and during this time, there is little to no penalty enforced in regards to the act committed. The requested amendment would allow law enforcement, in cases dealing with sexual offenders/predators and with probable cause, to make a physical arrest in a timely fashion.

**Official Misconduct**

The City of Gainesville supports amending Section 838.022 F.S., titled Official Misconduct, to include committing any felony or any misdemeanor crime which is sexual in nature. Such acts include but are not limited to sexual battery, prostitution, voyeurism, video voyeurism, stalking, obscene or harassing phone calls, lewdness, indecent exposure, obscenity, and sexual performance of a child. The current statute identifies the following actions as official misconduct: falsifying or causing another person to falsify any official record or document; concealing, covering up, destroying, mutilating, or altering any official record or official document or cause another person to perform such an act; or obstructing, delaying, or preventing the communication of information relating to the commission of a felony that directly involves or affects the public agency or public entity served by the public servant. Any person who violates the provisions of Section 838.022 F.S. commits a felony of the third degree.

**CAPITAL PROJECTS**

*The City of Gainesville will seek funding through the State of Florida during 2012 for the following projects. Funding will be sought through state agencies, grant programs, and other available funding sources.*

**Paynes Prairie Sheetflow Restoration**

The City of Gainesville is seeking \$2 million in funding for a water quality/surface water resource protection project. A funding request for this project is also included in the St. Johns River Water Management District Orange Creek Basin, State Funding Initiative. The requested funding will be used as cost-share funding for the design and construction of Phase 1 and Phase 2 of the enhancement wetland facilities. Restoring sheetflow will result in the restoration of

1,300 acres of Paynes Prairie wetlands and improvements to water quality within the park. As part of this project, the city will also complete improvements to the Main Street Water Reclamation Facility (MSWRF). The project will satisfy the City of Gainesville's obligation to reduce nutrient loading to Alachua Sink, where a total maximum daily load (TMDL) has been established by the Florida Department of Environmental Protection. This amount sought is 9.5% of the \$21 million estimated cost of the first year construction and 7.7 % of the \$26 million total project cost.

The City of Gainesville is also seeking \$500,000 in funding for Restoration of the Sweetwater Canal in Paynes Prairie. This project will fill in a two mile long man made canal and is a necessary part of the larger Paynes Prairie Sheetflow Restoration project. The total project cost is \$1 million.

### **Little Hatchet/Lake Forest Creek Watershed Management Plans**

Both Little Hatchet Creek and Lake Forest Creek contribute surface water to Newnans Lake which is a hypereutrophic lake due to high concentrations of nitrogen and phosphorous. Newnans Lake is also classified as an impaired water body by the Florida Department of Environmental Protection (FDEP). The FDEP (per the adopted 2007 Orange Creek Basin Management Action Plan) has stated that a 74% reduction in total nitrogen and a 59% reduction in phosphorous is required for the lake to not be impaired. The FDEP has also classified Little Hatchet Creek as being impaired for high levels of fecal coliform. Approximately 22% of the nitrogen loading and 28% of the phosphorous loading into Newnans Lake comes from Little Hatchet Creek and Lake Forest Creek.

In order to begin reducing nutrient loading to Newnans Lake and meet the pollution load reduction goals set by the FDEP, the city needs to develop watershed management plans to identify and prioritize water quality improvement projects. This project is going to be included in the St. Johns River Water Management District Orange Creek Basin, Surface Water Improvement and Management Plan and is a priority for the Orange Creek Basin Working Group. The City of Gainesville is seeking \$200,000 which is 40% of the \$500,000 estimated total cost of developing the updated watershed management plans. Funding will be sought from appropriate State of Florida agencies and grant programs.

### **Tumblin Regional Wetland**

The City of Gainesville completed a watershed management plan (WMP) for Tumblin Creek. This creek discharges into Bivens Arm which is classified as an impaired water body by the FDEP. Bivens Arm has low levels of dissolved oxygen, high levels of nitrogen and phosphorous and high turbidity. A significant amount of the contributing runoff into Bivens Arm is from Tumblin Creek.

The City of Gainesville has identified (through the recently completed WMP for this watershed) a number of projects that can help in improving the water quality in Tumblin Creek and Bivens Arm. One of the projects identified in the WMP is a regional wetland treatment project which includes the following:

1. Addition of a trash trap in Tumblin Creek before it discharges into Bivens Arm

2. Re-hydration of wetlands adjacent to Tumblin Creek's outlet into Bivens Arm to treat runoff before discharge into Bivens Arm
3. Creating of a wetland channel in Tumblin Creek before discharge into Bivens Arm
4. Creating a sheet pile weir system to hold back more runoff in the wetlands adjacent to Bivens Arm before being discharged into Bivens Arm

This project will reduce the biological oxygen demand by 51%, the total suspended solids by 66%, the total nitrogen by 15% and the total phosphorous by 14%. In order to improve the water quality in the Tumblin Creek watershed, Bivens Arm and meet the pollutant reduction goals set by the FDEP, the city needs to construct this regional wetland. The cost of all phases of this regional wetland is \$908,500. The city will seek \$908,500 from sources including State of Florida agencies and grant programs.

### **Flooding and Conveyance in Tumblin Creek**

The City of Gainesville has completed a watershed management plan (WMP) for Tumblin Creek and has identified areas with severe conveyance deficiencies. These deficiencies have resulted in flooding due to undersized conveyance structures. The WMP identified 3 major areas of concern and below are these areas listed in priority and their associated costs for improvement:

1. The old Shands/AGH area: \$820,000
2. The NW 6<sup>th</sup> Street and University Avenue area: \$250,000
3. NW 14<sup>th</sup> Street from University Avenue to NW 5<sup>th</sup> Avenue: \$350,000

To prevent flooding in these areas and provide the residents in these areas safe access during severe storm events, the city needs to improve the stormwater conveyance system in these flooding areas. The city is seeking funding from State of Florida agencies and grant programs for all three conveyance upgrades in the priority set above.