

2000 Legislative Conference Legislative Committee Meeting

2001 DRAFT Policy Statement

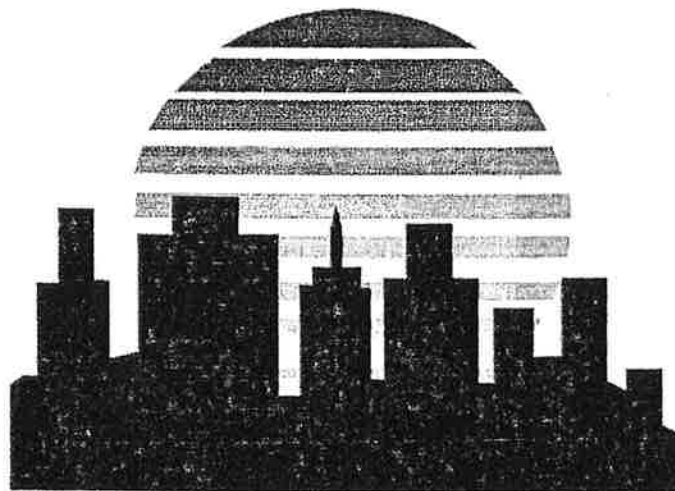
Friday, November 17, 2000

Conference Suite II

Hyatt Regency Orlando

International Airport

8:30 a.m.



Florida League of Cities, Inc.

Florida League of Cities 2000 Legislative Conference

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Friday, November 17, 2000
Conference Suite II
Hyatt Regency Orlando International Airport Hotel
8:30 a.m.

AGENDA

Presiding: First Vice President Scott Black; Mayor, Dade City; Chair

- I. Call to Order
- II. Review of Process
- III. Reports of Committee Chairs and Discussion of Draft Policy Statements
 - A. Municipal Finance and Taxation
 - B. Urban Administration
 - C. Intergovernmental Relations
 - D. Environmental Quality
 - E. Criminal Justice, Ethics and Personnel
 - F. Utilities and Telecommunications
- IV. Other Business
 - Growth Management Legislative Policy Recommendations
- V. Adjourn to General Session

2000 Legislative Policy Committee

Chair: Mayor Scott Black, City of Dade City; FLC First Vice President

Vice Chair: Councilwoman Carmela Starace, Royal Palm Beach; FLC Second Vice President

Local & Regional League Representatives

Mayor Louie Davis, City of Waldo; President, Alachua County League of Cities
Mayor Hildrie Peel, Town of Cedar Grove; President, Bay County League of Cities
Mayor John R. Fiore, City of Wilton Manors; President, Broward County League of Cities
Councilmember Alex Ilnyckyj, City of Crystal River; President, Heart of Florida League of Municipalities, Inc.
Mayor Glen Irby, City of Minneola; First Vice President, Lake County League of Cities
Mayor Pat Whitesel, City of Palmetto; President, Manasota League of Cities
Mayor Fred Held, City of South Pasadena; President, Mayors Council of Pinellas County
Commissioner Roy S. Shiver, City of Florida City; President, Miami/Dade Co. League of Cities
Mayor Ray Kirkland, City of Lake City; President, Northeast Florida League of Cities
Mayor Tommy McDonald, City of Chipley; Second Vice President, Northwest League of Cities
Mayor Glenda Glover, City of Fort Walton Beach; President, Okaloosa County League of Cities
Vice Mayor Retha Lowe, City of Lake Worth; President, Palm Beach County League of Cities
Councilman Charles Smith, City of Wauchula; President, Ridge League of Cities
Councilperson Dr. Ann Knight, City of Fort Myers; President, Southwest Florida League of Cities
Town Administrator William P. "Bill" Hall, Town of Malabar; President, Space Coast League of Cities
Councilmember E.E. "Ernie" Wever, Jr., City of Brooksville; Vice President, Suncoast League of Cities
Mayor Glenn Sangiovanni, City of St. Cloud; President, Tri-County League of Cities
Mayor Dorothy Hukill, City of Port Orange; President, Volusia League of Cities

FLC Policy and Standing Committee Representatives

Mayor Fran Barford, City of Temple Terrace; Chair, Criminal Justice, Ethics & Personnel Committee
Commissioner Rich Bohnenberger, City of Holmes Beach; Chair, Environmental Quality Committee
Councilwoman Mary Martin, City of Port Orange; Chair, Intergovernmental Relations Committee
Commissioner Michael Blake, City of Winter Springs; Chair, Municipal Finance & Taxation Committee
Commissioner Patricia Rogers-Libert, City of Aventura; Chair, Urban Administration Committee
Mayor Larry Bartley, City of Titusville; Chair, Utilities & Telecommunications Committee

Municipal Association Representatives

Patrick Lehman, Executive Director, Peace River Manasota Regional Water Authority, Sarasota Water & Sewage Department; President, American Water Works Association
Bob Hannon, Plans Examiner, City of Ft. Lauderdale; President, Building Officials Association of Florida
Gwen Azama-Edwards, City Clerk, City of Daytona Beach; President, Florida Association of City Clerks
Ann Toney-Deal, City Manager, City of Haines City; President, Florida City & County Management Association
Wayne Martin, Fire Chief, City of Ormond Beach; President, Florida Fire Chiefs Association
Thomas Hicks, Audit Program Manager, City of Orlando; Member of the Florida Government Finance Officers Association
John Albion, Commissioner, Lee County; First Vice President, Florida Regional Councils Association
J. Jerome Miller, City Attorney, City of Destin; President, Florida Municipal Attorneys Association

Barry Moline, Executive Director, Florida Municipal Electric Association
Chuck Warrington, Managing Director and Executive Officer, Clearwater Gas System; President, Florida Municipal Natural Gas Association
Keith Chandler, Chief of Police, City of Melbourne; President, Florida Police Chiefs Association
Dan Greenfield, Deputy City Manager, City of Palm Bay; President, Florida Public Employers Labor Relations Association
Margie Moale, Human Resources Manager, City of Coral Springs; President, Florida Public Personnel Association
Paul Thorpe, Executive Director, Downtown Association of Sarasota; President, Florida Redevelopment Association

FLC Sponsored Program Representatives

Commissioner Larry Ady, City of Belle Isle; Member, Florida Municipal Investment Trust
Mayor Dottie Reeder, City of Seminole; Chair, Florida Municipal Insurance Trust
Mayor Robert Blomquist, Town of Juno Beach; Vice Chair, Florida Municipal Pension Trust

At-Large Members Recommendations

Vice Mayor Margaret Bates, City of Lauderhill
Mayor Alex Fekete, City of Pembroke Pines
Councilman Clay Ford, City of Gulf Breeze
Councilman Roosevelt Johnson, City of Arcadia
Commissioner Daisy Lynum, City of Orlando
Councilwoman Mary Sue Rich, City of Ocala
Councilman Julio Robaina, City of Hialeah
Council President Ginger Soud, City of Jacksonville
Vice Mayor Daniel Tantleff, Village of Bal Harbour

PROCEDURES FOR ADOPTING THE FLC LEGISLATIVE PRIORITIES AND POLICY STATEMENT

LEGISLATIVE COMMITTEE PROCEDURE:

The Legislative Committee is charged with reviewing the work of the six standing policy committees. The League's First Vice President will preside over the meeting and the following procedure will be utilized to review and adopt the policy priorities and statement:

- Each policy committee chair will be asked to present their policy priorities and statement to the full committee.
- After each policy committee report, the chair will accept questions of the policy committee chair from the audience.
- Following a question and answer period from the audience, the chair will accept, if needed, a motion to limit debate to the policy committee, taking into consideration any pertinent comments received from the audience and any amendments suggested by committee members.
- The chair will then accept a motion to adopt (with a second and discussion) the committee's report (as amended). The procedure will be repeated for each policy committee presentation.

Once the legislative committee has finished its work and a short recess, the second general session will begin. After a short break, the business meeting will convene following the conclusion of the second general session. Copies of the proposed priorities and policy statements, as adopted by the Legislative Committee, will be available for review. As was the procedure during the Legislative Committee, the audience will be provided with an opportunity to again ask questions.

BUSINESS MEETING PROCEDURES:

- The President will preside over the Business meeting and will call on the Chair of the Legislative Committee to present the policy committee priorities and statement as recommended by the legislative committee.
- The Legislative Committee Chair will present each priority and policy statement and move for their adoption.
- The President will call for a second and an opportunity for discussion, by the membership, of the proposed priority and policy statement. Following this a consensus voice vote will be taken. This procedure will be used for each priority and policy statement.
- If the consensus vote is challenged, the President will call for a short recess and the League staff will prepare for a recorded voting procedure. (see attached)
- After all amended sections have been considered and adopted, the president will call for adoption of the 2001 legislative policy statement by the membership present.

APPENDIX - PROCEDURE FOR DIVIDED HOUSE

EXPLANATION:

During the final Business session of the Legislative Conference (following the meeting of the Legislative Committee), the League president will ask the membership present to adopt the Policy Statement. This action does not require the appointment of voting delegates (as does the annual convention's business session), but it does create the possibility of a divided house. This means that a voice vote did not determine a clear "will" of the membership present. This has not happened in recent League history, but it does need to be planned for in advance.

PROCEDURE:

- Upon the President's determination of a divided house (being that a voice vote did not indicate sufficient support for adoption of the policy statement), the President calls for a brief (15 min.) recess so that city officials may confer with one another from their own councils. Some cities will have only one person present; some may not be represented at all.
- The cities should be directed to select a representative from their council and to take a position amongst themselves on the adoption of the policy statement. If a city wishes to record its divided vote, it may do so. If a city cannot come to agreement on selecting a representative or taking a position, the League would not record their position.
- The President then calls the Business Session back into session and asks that, by voice vote, the city representatives indicate their votes. If the vote is still divided, the city representatives would then come to a table staffed by League staff and record their vote. Only if it were necessary (due to a tie) would a weighted vote be taken.
- If the President determines that there is dissension among the city officials as to a particular part of the Policy Statement causing concern, he should call upon the Chair of the appropriate policy committee to take questions and help guide the discussion.

Again, this process is provided for explanation but it is not expected to occur.

Proposed Priority Statements

Municipal Finance and Taxation

The Florida League of Cities will support legislation that simplifies and stabilizes Florida's state and local revenue structure so that municipal autonomy and flexibility is enhanced.

Urban Administration

The Florida League of Cities will support legislation that removes all restrictions from municipalities to obtain and receive a Certificate of Public Convenience and Necessity (COPCN) for emergency medical services and transport.

Intergovernmental Relations

The Florida League of Cities will support legislation that streamlines state laws and agency rule procedures regarding municipal comprehensive planning functions and eliminates those determined to be unnecessary; includes provisions that recognize the unique characteristics of local communities; flexibility for local government implementation; and recurring state-funding to support local governments' processing of state-mandated comprehensive planning and evaluation and appraisal reports.

Environmental Quality

The Florida League of Cities will support legislation that requires that at least one appointee to a Water Management District Governing Board be a representative from local government.

The Florida League of Cities will support legislation that preserves municipal franchising authority over construction and demolition debris materials, and which does not impose unnecessary restrictions upon municipal solid waste management programs.

Criminal Justice, Ethics and Personnel

The Florida League of Cities will support legislation that requires that job-related disabilities claimed from HIV, hepatitis, cancer, hypertension or heart disease be proven by the weight of evidence, and not a legal presumption of job relatedness.

Utilities and Telecommunications

The Florida League of Cities will support legislation that continues to simplify and enhance Florida's state and local fiscal policy in regards to the communications industry, which includes, but is not limited to the following:

- Establishing accurate local government communications services tax conversion rates;
- Establishing an accurate municipal communications services tax maximum rate that replaces the revenue capacity of the replaced revenue sources;
- Establishing an accurate and competitively neutral system for situsing transactions which recognizes municipal boundaries (situsing involves determining which city or unincorporated area taxable transactions occur);
- Authorizing the Department of Revenue and local governments to share information with one another and requiring the Department of Revenue to inform local governments of matters that affect their tax collections;

- Requiring communications services providers to properly use or update their tax compliance procedures based on information received by the Department of Revenue from local governments;
- Clarifying the authority of local governments to continue to require franchise agreements from cable service providers; and
- Recognizing revenues generated by the communications services tax are local government revenues, available for local government purposes without interference from the state.

Municipal Finance and Taxation

Priority

The Florida League of Cities will support legislation that simplifies and stabilizes Florida's state and local revenue structure so that municipal autonomy and flexibility is enhanced.

Challenges of Municipal Financing

200 The structure of Florida's state and local government revenues will face a variety of new challenges. The expansion of technology, allowing for the integration of national, state and local economies will have a significant impact on the traditional revenue sources on which state and local governments have traditionally relied. Additionally, the deregulation of major industries, such as telecommunications, banking and electric, will force the simplification and streamlining of existing tax structures to ensure competitive neutrality, continued growth and tax fairness for both business and citizens. It is therefore essential that Florida revises its state and local tax structure so that a stronger partnership between state and local government exists, such that municipalities are accorded greater flexibility to address changing citizen demands and that unnecessary fiscal restrictions are eliminated.

The Florida League of Cities will support legislation that:

- 200.1 Provides uniform definitions of taxable goods and services creating a tax structure that is equitable and fair for consumers and is competitively neutral for businesses.
- 200.2 Grants fiscal home rule authority for municipalities.
- 200.3 Consolidates local option sales taxes into three options; county, municipal and school board
- 200.4 Provides appropriate fiscal autonomy to address local infrastructure needs, as well as state growth management requirements.
- 200.5 Preserves the revenue capacity of municipal utility franchise fees and public service tax revenues.
- 200.6 Changes the Public Service Tax to a sales and use-based tax.
- 200.7 Consolidates state revenue sharing programs with local governments and establish a more equitable distribution formula.
- 200.8 Creates an ad valorem exemption for commercial tangible personal property accounts of \$5,000 or less.

- 200.9 Provides state funding for a Small Local Government Financial Technical Assistance Program that would provide training and technical assistance to small municipalities and assist small local governments experiencing a financial emergency.
- 200.10 Amends Chapter 75, Florida Statutes, to restrict the ability to intervene in bond validation hearings for special assessments to fee holders of property within the impacted district.
- 200.11 Requires all tax exemptions to be tied to measurable benefits and subject to periodic sunset review.
- 200.12 Permits municipalities to obtain funds for municipal communication systems from surcharges that counties may levy, but are not appropriately using, for intergovernmental radio communication systems.
- 200.13 Expands the authorized uses for the 911 fee or other related telephone revenues.
- 200.14 Provides periodic legislative review and removal of restrictions on the implementation, and the utilization of local revenue sources, as well as on expenditures of municipal revenues.

Tax Equity

- 201 Tax equity between the various levels of government is essential to the fair and reasonable allocation of the cost of government to Florida's citizens.

The Florida League of Cities will support legislation that:

- 201.1 Simplifies and enhances the efficiency of collection and remittance of municipal insurance premium tax revenues, while avoiding immediate financial hardships for municipalities and special districts, or adverse impact on public safety pension benefits.
- 201.2 Corrects the inequalities caused by the double taxation of municipal citizens, as originally intended by the judicial interpretation of the Florida Constitution.
- 201.3 Allows taxing authorities to establish property tax equity by assessing new construction on a partial-year basis while applying appropriate exemptions.
- 201.4 Grants cities the authority to implement all or part of the local option gas tax and requires a more equitable method of computing the default formula.
- 201.5 Requires that state service fees on municipal trust funds not exceed the actual cost of collection.
- 201.6 Allows at least one municipal official per county be appointed to serve on the Value Adjustment Board.

- 201.7 Allows municipalities to seek monetary judgments for outstanding liens on homestead properties and then to pursue collection through the attachment of personal property.
- 201.8 Requires the indexing of all state and local option gas taxes to the Construction Cost Index.
- 201.9 Provides municipal immunity from the sales and use tax.
- 201.10 Addresses the reasonable equity associated with revenue collection related to fines and forfeitures, and also between fines and forfeitures and assessable court costs.
- 201.11 Maintains that municipal property owned outside the incorporated area is not subject to ad valorem taxation or any other tax by the jurisdiction where the property is located.
- 201.12 Places a constitutional amendment on the ballot that would provide that all municipal owned property is treated as other general-purpose government-owned property with respect to ad valorem taxes.
- 201.13 Redefines the term "household income" to include all sources of income for purposes of granting an additional homestead exemption to persons 65 and older.

Transportation

- 202 The state has a responsibility to provide fundable state transportation solutions that complement local government efforts and that meet its transportation needs now and into the future. Currently state and local governments have inadequate resources to address the significant backlog of road projects. All citizens are adversely affected by a deficient transportation system both in wasted time and economic development. The state needs to increase the funding levels and improve the efficiency of the process. Additionally, some property owners receive windfall profits through appreciation of their property values while at the same time being compensated handsomely for right of way at the expense of the taxpayer. The appreciation in values achieved at the expense of the taxpayer should be shared both by the property owner and the taxpayer.

The Florida League of Cities will support legislation that:

- 202.1 Provides motor fuel tax authority to meet the transportation needs of municipalities.
- 202.2 Requires the state to distribute to local boards on an equitable basis, any transportation fees received from the federal government that previously may have been directly transmitted to local governments or public agencies.
- 202.3 Requires an assessment to adjacent property owners in an amount equal to the lesser of the right of way acquisition cost or the increase in property evaluation related to such road way improvements.
- 202.4 Allows the general revenue service charge revenues on local option gas taxes to be distributed directly to the local jurisdictions.

Urban Administration

Priority

The Florida League of Cities will support legislation that removes all restrictions from municipalities to obtain and receive a Certificate of Public Convenience and Necessity (COPCN) for emergency medical services and transport.

Home Rule

300 The Florida League of Cities believes that the essence of Home Rule is simple, the citizens of a municipality have the constitutional right to manage and fund their own affairs with minimum interference from the state and other governmental agencies. Home Rule provides for local issues to be addressed by locally elected officials, allowing the state to concentrate on the pressing affairs of the state. Home Rule asserts that a municipality be free to perform functions and provide services in a manner best suited to meet the needs of its citizens. Home Rule assumes that intrusion by the state and other governmental agencies, into the affairs of municipal government, will be limited to only those issues that affect the essential welfare of the entire state. Home Rule requires that a municipality be free to adopt and amend its charter without intrusion, interference, or oversight by other governmental entities.

The Florida League of Cities will support legislation that:

- 300.1 Enhances the ability of municipalities to manage their local affairs in accordance with the wishes of their citizens.
- 300.2 Clarifies procedures for municipalities to exercise their authority regarding local zoning and land use requirements and maintain municipal sovereignty.
- 300.3 Re-establishes local authority in the procurement of professional services.
- 300.4 Exempts municipal facilities, activities and programs from state licensing requirements.
- 300.5 Preserves the authority of municipalities to manage and create enterprise activities to service their communities.
- 300.6 Establishes a simplified, uniform notice procedure for local government actions.
- 300.7 Provides the maximum authority to municipalities for fashioning remedies, based on local circumstances, to address historic discriminatory practices.
- 300.8 Prohibits both "red-lining" and non-renewal of property insurance policies and ensures the public is not subject to unfair and/or discriminatory insurance practices.

- 300.9 Supports windstorm insurance reform which will ensure that the inequities of the current system are corrected and property owners are able to obtain effective insurance at a fair and reasonable rate.
- 300.10 Removes all restrictions, judicial or otherwise, limiting communications between elected and appointed officials and their constituents, staff and others.
- 300.11 Maintains local authority over outdoor advertising and provides incentives for local governments to work in cooperation with outdoor advertisers and state and federal regulators to reduce the overall number of outdoor advertising signs.
- 300.12 Allows municipalities to derive revenues and recover costs to lessen the impact of day cruise casinos.
- 300.13 Grants municipalities planning and management capabilities to utilize geographic positioning systems (GPS) and geographic information systems (GIS) to record and/or map information and data without being required to hire a licensed surveyor as defined in Chapter 472, Florida Statutes, for these functions.
- 300.14 Permits local governments to obtain and hold copyrights for data processing software created by the local government and to enforce its rights pertaining to such copyright.
- 300.15 Removes all restrictions upon local government's ability to prohibiting the recovery of the costs of services provided by the local government including associated with, but not limited to such items as the recovery retrieval of shopping carts and the removal of political campaign materials.
- 300.16 Allows municipalities more control in general traffic regulation such as to enforcing traffic laws through the use of electronic traffic infraction detectors and establishing speed limits on municipally maintained roads.
- 300.17 Removes all restrictions upon a municipality's ability to zone and regulate group homes operating within its boundaries.
- 300.18 Permits municipalities to determine the zoning and building requirements of manufactured, mobile, and modular homes within their boundaries.
- 300.19 Promotes and funds safety, education and allows more restrictive local regulation of fireworks in our state. Grants local government emergency management authority to regulate and restrict the sale and use of fireworks, and those items specifically excluded from the definition of fireworks, during drought or other emergency conditions in our state.
- 300.20 Removes all restrictions from municipalities to obtain and receive a Certificate of Public Convenience and Necessity (COPCN) for emergency medical services and transport.

- 300.21 Enables municipalities to issue a Certificate of Public Convenience and Necessity (COPCN) for emergency medical services and transport.
- 300.22 Provides protection for municipalities under the Public Records Law to secure data and information technology resources through their internal policies and procedures.

Tort Liability

- 301 The Florida League of Cities recognizes that tort liability for certain governmental actions must remain limited. Unlimited tort liability will have a substantial impact on governments' ability to provide for the general health, safety and welfare of its citizens. Expenditures of public funds to satisfy tort judgments are a taxpayer's expense. Governments provide unique services to the general public, and these services require that traditional standards and notions of tort liability should not apply to official governmental agencies supported by taxes extracted from all citizens.

The Florida League of Cities will support legislation that:

- 301.1 Limits the exposure of local governments and their officers, employees and volunteers in tort liability.
- 301.2 Repeals the doctrine of joint and several liability for governmentally related actions.
- 301.3 Provides a defense to liability actions from plaintiffs who are under the influence of alcohol and/or drugs when the accident or injury occurred.
- 301.4 Requires a non-public entity, filing a lawsuit against local government, to pay all fees and costs related to the lawsuit if the local government prevails.

Code Enforcement

- 302 The code enforcement process represents an effective, inexpensive and expeditious response process to alleged code violations. This process provides local governments with an alternative method of code enforcement without having to rely on an already overly burdened state court system. Code enforcement proceedings provide for fair and impartial hearings on code violation complaints. The code enforcement process should provide sufficient flexibility and authority to local governments in their enforcement activities and actions.

The Florida League of Cities will support legislation that:

- 302.1 Provides additional flexibility to local governments in the administration and enforcement of codes and ordinances.
- 302.2 Requires all governmental entities to comply with locally adopted codes.

- 302.3 Expands the public records exemption applicable to Code Enforcement Officers to provide the same protection as police officers.

Building and Fire Safety Codes

- 303 The construction industry is a significant part of Florida's economy. In regulating this industry, municipalities have the responsibility to see that buildings are constructed in accordance with minimum safety standards and fire safety codes using their regulatory and police powers. Also, decisions relating to the administration and operation of municipal building departments properly belong to the municipalities' citizens through their municipal charter provisions and their elected officials.

The Florida League of Cities will support legislation that:

- 303.1 Enhances the ability of municipal governments to manage, operate and finance their building departments.
- 303.2 Permits municipal amendments to building codes, regarding construction methods, personnel standards, and professional qualifications based on local safety and welfare determinations.
- 303.3 Assists local building departments by providing information or education for code officials and adopts an initial base building code that would minimize re-education for subsequent readoptions of the state code.
- 303.4 Removes the requirement that a statewide rating organization include positive rate factors when performing a building code enforcement assessment.
- 303.5 Ensures that the adoption of amendments and enforcement of fire safety standards are maintained at the local level.
- 303.6 Prohibits any new Uniform Fire Safety Standards and re-directs existing language to apply to new and existing occupancies appropriately.
- 303.7 Requires appropriate and equitable funding from the Emergency Transportation Services Trust Fund when the municipality provides emergency medical services and/or transport.
- 303.8 Permits more flexibility in certification, recruitment, and retention of building inspectors and building officials.
- 303.9 Clarifies the procedure for appealing a local building officials interpretation of the Florida Building Code.

- 303.10 Clarifies the effective date of the Florida Building Code in relation to plans review or building permit applications occurring prior to July 1,2001.

Eminent Domain and Inverse Condemnation

- 304 Local governments often find it necessary to use their power of eminent domain to acquire land for such public purposes as roads, public buildings and facilities, downtown and community redevelopment, and for the preservation of natural resources. However, local governments' reasonable exercise of this power is often complicated by the unnecessary costs associated with the eminent domain process.

The Florida League of Cities will support legislation that:

- 304.1 Minimizes costs associated with condemnations and that places reasonable restrictions on the legal expenses.
- 304.2 Reduces the costs associated with claims filed against municipalities alleging inverse condemnation or statutory actions associated with land use management.
- 304.3 Establishes reasonable limits on the amount of business damages awardable in an eminent domain action.
- 304.4 Implements a process of right-of-way acquisition that includes prelitigation exchanges of information and encouragement of settlements.
- 304.5 Eliminates the payment of attorney fees and costs on appeal when there is no additional award to landowner.
- 304.6 Establishes an appraisal process using an impartial, court-appointed panel of property appraisers, engineers, accountants and economists.
- 304.7 Compensates municipalities for the loss of tax base resulting from condemnations originating from other governmental entities.

Community and Economic Development

- 305 Substantial outgrowth of commercial, state and federal governmental facilities has occurred in recent years from urban downtown areas. This urban sprawl has, in some instances, created undesirable situations in central city areas, contributing to the subsequent decline in the tax base.

The Florida League of Cities will support legislation that:

- 305.1 Provides technical and financial assistance to municipalities in using enterprise zones, and in redeveloping and revitalizing downtowns and existing urban areas. Community-based solutions should receive priority eligibility for such programs.

- 305.2 Provides fair, safe, sanitary, and decent housing consistent with local building, land use, and zoning requirements.
- 305.3 Enables municipalities, acting through community redevelopment agencies, Main Street, and other local programs, to effectively carry out redevelopment and community revitalization.
- 305.4 Increases the annual limitation on the total amount of community contribution tax credits that may be granted against the corporate income tax and insurance premium taxes.
- 305.5 Compensates municipalities for the loss of tax base resulting from acquisitions originating from other governmental entities.

Transportation

306 Municipalities provide a wide array of transportation services to citizens, visitors and commercial entities. These transportation services include roads and highways, public transit, commuter rail, airports, seaports, and pedestrian and bicycle facilities. Municipalities are also impacted when other governmental entities locate transportation facilities within municipal jurisdictions. Appropriate planning and funding are essential to maintaining a viable transportation system within the state.

The Florida League of Cities will support legislation that:

- 306.1 Enhances the role of municipalities regarding flexibility in the placement, design and funding of transportation facilities directly affecting the municipality.
- 306.2 Requires the state to adequately fund ongoing costs for all transportation responsibilities transferred to municipalities and to reimburse municipalities in a timely manner for the cost of constructing and maintaining any authorized Department of Transportation projects.
- 306.3 Provides for information sharing during the planning process to determine the most cost efficient route for transportation projects.
- 306.4 Provides for more equitable representation of municipalities on Metropolitan Planning Organizations, and coordination among municipalities and counties where there are no Metropolitan Planning Organizations.
- 306.5 Encourages the use of modes of transportation that utilize alternative fuels to help address the concerns of air-quality, mobility of people and goods, and other transportation-related challenges.

Intergovernmental Relations

Priority

The Florida League of Cities will support legislation that streamlines state laws and agency rule procedures regarding municipal comprehensive planning functions and eliminates those determined to be unnecessary; includes provisions that recognize the unique characteristics of local communities; flexibility for local government implementation; and recurring state-funding to support local governments' processing of state-mandated comprehensive planning and evaluation and appraisal reports.

Multi-Jurisdictional Relationships

400 The Florida League of Cities recognizes intergovernmental responsibilities which transcend local boundaries to meet the needs of citizens. It is important that each level of government respects the goals and objectives of each entity, and uses their unique resources to understand and respond to concerns.

The Florida League of Cities will support legislation that:

- 400.1 Requires representation of municipal elected officials equitably from both large and small municipalities on all new and existing regional and local districts, councils, agencies, state-designated committees, and authorities such as Metropolitan Planning Organization and transit authorities that impact municipal affairs.
- 400.2 Limits the creation of independent special districts in unincorporated areas.
- 400.3 Creates a more defined role for municipalities in state technology planning and regulation, encourages expanded intergovernmental information-sharing, and encourages efficient and effective use of emerging technologies by all levels of government.
- 400.4 Provides adequate state funding and staff resources for research and development of a statewide government and geographic information system to be easily accessed by citizens and federal, state and local governments.

Emergency Management

401 The Florida League of Cities acknowledges that disaster preparedness and hazard mitigation planning will assist municipalities in their response to natural and human-made disasters and emergencies that threaten their communities. However, in order for municipalities to undertake these pre- and post-disaster activities, adequate and direct state funding and training are necessary.

The Florida League of Cities will support legislation that:

- 401.1 Ensures that the state directly provides disaster preparedness and hazard mitigation planning resources, training and fiscal assistance to municipalities so they can respond to natural and human-made disasters and emergencies that threaten their communities.
- 401.2 Ensures that there is consistent and continued emergency management communication and coordination among federal, state, county and municipal officials to facilitate pre- and post-disaster mitigation planning and operations, such as, but not exclusive to, the Local Mitigation Strategy Program.
- 401.3 Ensures that the state's technical and financial assistance and associated programs are structured to allow for municipalities to have maximum flexibility in tailoring their disaster preparedness planning to the unique or special circumstances and needs of the community.
- 401.4 Ensures continued operations of loan and insurance programs that further hazard mitigation policies.
- 401.5 Ensures the insurance and reinsurance industries provide incentives for mitigation through rate adjustments that reward policyholders that take hazard mitigation actions.
- 401.6 Reduces and fully funds Florida's emergency public shelter deficit, by increasing the number of safe emergency public shelter facilities, as well as ensuring that state, county and municipal governments mutually select the designation of emergency public shelter space.

Intergovernmental Programs

- 402 The League supports actions that strengthen and create partnerships between federal, state, regional and local governments toward the goals of increasing local funding, expanding opportunities for local revitalization, and furnishing effective technical assistance to provide essential governmental services. Actions that increase the funding and programs designed to assist in providing affordable housing for the homeless, the elderly and disadvantaged citizens are strongly supported. Key among these programs is the Community Development Block Grant (CDBG) program, which historically helps local governments address housing, economic development and infrastructure needs.

The Florida League of Cities will support legislation that:

- 402.1 Provides greater direct municipal access to Small City CDBG funding to non-entitlement cities for the purpose of financing vital community development programs and encourages loans and grants to low- and moderate-income properties as identified by the local government.
- 402.2 Prohibits any proposals to change the Community Development Block Grant formula.

- 402.3 Builds a more effective housing partnership between the private sector, including non-profits, and government at all levels, to provide more affordable housing where shortages exist, and discourages concentrations of low-income housing.
- 402.4 Protects and enhances the State Housing Initiative Program (SHIP) to be allocated to counties, and cities which includes direct technical assistance, funding and training for staff who are involved in the administration of local affordable housing and related programs.
- 402.5 Ensures that no state-mandated regulatory requirements impede local governments' development of and access to affordable housing, while maintaining local governments' flexibility to meet their community's affordable housing needs.
- 402.6 Continues and increases funding for the Florida Institute of Government's training and research programs, in recognition of the importance of improving local government knowledge and skills.
- 402.7 Preserves municipal zoning and development code authority over nonprofits including churches, and religious institutions.
- 402.8 Continues grant funding for international programs that assists cities with economic development, cultural, social and informational exchanges and partnering opportunities.

Unfunded Mandates

- 403 In 1990, the state constitution was amended to limit the Legislature's ability to pass unfunded mandates to county and city governments. Implementation legislation for the amendment is reserved to the Legislature and has not yet occurred. The most important considerations for cities are defining fiscal impact of proposed legislation and establishing local venues for the legal challenges of unfunded state mandates. These issues will continue to be a significant priority for Florida's cities.

The Florida League of Cities will support legislation that:

- 403.1 Strengthens the concept that local issues are best resolved at the local level of government and prevents attempts to erode municipal government powers.
- 403.2 Establishes a state procedure within a specific agency to assess the intergovernmental impact of shifted and diminished federal programs and block grants upon cities and counties, consistent with the constitutional unfunded mandate provisions.
- 403.3 Limits the state's ability to require municipal government enforcement of state policies and programs and ensures that all costs incurred by local governments administering state laws be offset by state revenues.

- 403.4 Provides a new recurring state funding source for the comprehensive plan preparation of future incorporated municipalities.

State Agency Rule-Making

- 404 The Florida League of Cities acknowledges the efforts the state has taken to streamline and improve the agency rule-making procedures. However, it is important that the state continues to respect the Home Rule authority and uniqueness of cities and that cities not be included under the auspices of the Administrative Procedures Act.

The Florida League of Cities will support legislation that:

- 404.1 Redesigns the state agency rule promulgation process as “outcome” versus “prescriptive” based.

Public Education

- 405 The Florida League of Cities believes that a strong public education system is essential to building and sustaining Florida’s communities. The League supports efforts to enhance the quality of public education, and believes that adequate fiscal and material resources should be provided to address, among other issues, school overcrowding, student safety, the expansion of after-school programs, and the shared use of school and municipal facilities. The League further encourages state and local officials to adopt policies consistent with this goal.

The Florida League of Cities will support legislation that:

- 405.1 Eliminates barriers to allow municipal and school district property to be shared or co-located.
- 405.2 Grants municipal zoning and development authority over public schools.

Municipal Service Delivery Management

- 406 Municipal service delivery areas should be coordinated in a rational and orderly manner to reduce duplication of services and to efficiently and effectively serve the needs of the municipal citizenry.

The Florida League of Cities will support legislation that:

- 406.1 Authorizes planning and incentives for promoting the cost-efficient provision of municipal services without duplication.
- 406.2 Removes restrictions to allow local governments to redesign their service delivery systems to reduce duplication and utilize taxpayers’ resources to enhance the effectiveness and efficiency of the delivery of essential services.

Intergovernmental Coordination/Land Use/Annexation

407 Land use practices and municipal boundary expansion should be coordinated to reduce duplication of services and provide for responsible growth and to efficiently and effectively serve the needs of the municipal citizenry.

The Florida League of Cities will support legislation that:

407.1 Ensures those state laws and agency rule procedures over municipal comprehensive planning functions be streamlined to reduce unnecessary requirements and provide flexibility for local government implementation while taking into consideration the diverse characteristics of local communities.

407.2 Strengthens the ability of cities to eliminate all enclaves regardless of size and provides reasonable procedures to expeditiously annex areas that are adjacent to their boundaries.

407.3 Requires counties to comply with adjacent municipal land use plans when granting development approvals for property located within unincorporated areas.

407.4 Permits municipalities to amend their comprehensive plans and rezone property simultaneously with the voluntary annexation of property.

407.5 Ensures the implementation of responsible growth management practices and that such practices support the Home Rule authority of municipalities.

407.6 Provides equitable incentives for land-use development or redevelopment projects for both urban and rural municipalities, such as, but not limited to, funding and technical assistance, without imposing additional restrictions.

407.7 Requires each local government, in the housing element of its comprehensive plan, to provide for a proportionate share of the respective county's population residing in group homes and assisted living facilities.

407.8 Permits municipalities to zone group homes and assisted living facilities.

Environmental Quality

Priorities

The Florida League of Cities will support legislation that requires that at least one appointee to a Water Management District Governing Board be a representative from local government.

The Florida League of Cities will support legislation that preserves municipal franchising authority over construction and demolition debris materials, and which does not impose unnecessary restrictions upon municipal solid waste management programs.

Potable Water Supply Management and Planning

500 Since the state's water resources are interconnected and mutually owned, all stakeholders should share responsibility for their proper management. The League supports responsible land and water use, conservation and planning based on appropriate data and analysis, and supports the development of alternative water supplies, such as, but not limited to, conservation, reuse, aquifer storage and recovery, intra-district alternative water supplies, reverse osmosis and desalination, and the use of surface waters.

The Florida League of Cities will support legislation that:

- 500.1 Provides economic and regulatory incentives to promote environmentally and technically feasible water quality and supply management alternatives.
- 500.2 Provides that the transfer of water should be the option of last resort once all other environmentally sound, financially and technically feasible local options have been exhausted. Furthermore, that transfer should occur with the concurrence of the impacted municipalities and counties.
- 500.3 Provides that primary authority should be granted to municipalities and counties for determining which water supply alternatives would best facilitate their water supply development.
- 500.4 Provides that, if transferring water from one jurisdiction to another, fees charged shall be based on full cost analysis and recovery, including environmental mitigation. A reasonable surcharge may be levied by the donor city to develop alternative water supplies, in addition to any existing surcharges currently authorized by statute.
- 500.5 Authorizes a recurring revenue-generating mechanism for funding water supply development and water restoration projects.
- 500.6 Provides for financial incentives to promote environmentally sound alternatives available for the disposal of by-products from reverse osmosis and desalination.

- 500.6 Provides for financial incentives to promote environmentally sound alternatives available for the disposal of by-products from reverse osmosis and desalination.
- 500.7 Requires that the term of water use permits be established to meet current and future demands without environmental degradation to the surrounding area.
- 500.8 Protects shallow water aquifers and surface watersheds used for public potable water supply systems from the location of any petroleum products pipeline.
- 500.9 Requires local government representation on water management district governing boards.
- 500.10 Requires that any market-based approaches relating to water conservation and use ensure that water remains a public resource.

Growth Management

- 501 Local comprehensive planning should be the cornerstone of land use, water planning and environmental protection. No other management tool can effectively integrate and balance between the interests of a community while best serving the needs of the state. Requirements for local comprehensive planning mandates, imposed by the state upon municipalities, should be minimal and fully recognize unique local characteristics and municipal Home Rule authority. The League supports full public involvement and participation in any review of the Growth Management Act.

The Florida League of Cities will support legislation that:

- 501.1 Requires the orderly extension of urban services and infrastructure and provides redevelopment incentives for compact urban centers to discourage urban sprawl while promoting fiscally strong urban communities.
- 501.2 Ensures that the unique resources and characteristics of a municipality are recognized and retained.

Environmental Permitting

- 502 Protection of our environment is a major concern of all citizens of the state. The various environmental permitting processes of the state are important to the preservation of our natural resources. While permitting processes should be streamlined, reasonable and financially feasible at all levels of government, municipalities must have the ability to adopt and enforce unique or more stringent environmental standards as necessary to safeguard the diverse characteristics of individual communities.

The Florida League of Cities will support legislation that:

- 502.1 Allows for continued discharge from a permitted municipal facility that is operating in accordance with permit conditions, absent a clear demonstration by the regulating entity that said municipal facility is causing or contributing to degradation of water quality.
- 502.2 Allows the delegation of state and regional permitting programs to certified or designated municipalities upon their request.
- 502.3 Establishes state, regional and county environmental permitting, surveillance, regulation and operating fees that are reasonable and customary and which do not exceed direct recovery costs.
- 502.4 Provides a waiver of financial penalty when a municipality or other regulated entity discovers and corrects an environmental permit violation caused by a short-term malfunction in a facility, and opposes any public records exemptions.
- 502.5 Provides regulatory relief and increased fiscal incentives for remediation and redevelopment of "Brownfield" sites.
- 502.6 Requires that agricultural "best management practices" be regularly monitored and enforced to ensure compliance with federal, state, and local environmental standards.

Solid Waste Collection, Recycling and Disposal

503 One of the major environmental management issues facing our state is the proper collection and disposal of solid waste. The state's highly permeable soils and varying water tables limit the siting of new landfills and the expansion of existing landfills; therefore, state incentives are needed to encourage feasible solid waste recovery, recycling, reuse and alternative disposal methods. In addition, the state's millions of tourists and business visitors, many of whom might not feel a personal stake in the environmental beauty and health of the state, make Florida's litter an especially visible and troubling issue. Litter is an environmental contaminant that must be reduced at its source.

The Florida League of Cities will support legislation that:

- 503.1 Encourages voluntary litter elimination and education programs and preserves the state, local and private partnership for promoting voluntary recycling efforts.
- 503.2 Requires the Department of Environmental Protection to issue permits for solid waste management facilities based on the best management practices and to allow for continued use of the facility, absent a clear demonstration by the state that the facility is causing environmental harm.
- 503.3 Allows the development, expansion or upgrade of waste-to-energy facilities, providing they meet the current emissions standards.

- 503.4 Preserves the authority of municipalities to manage and provide for the collection of solid waste, including construction and demolition debris, and to service their communities without cumbersome and unnecessary restrictions that inhibit their authority.
- 503.5 Defines litter as an environmental waste and encourages voluntary litter elimination programs by state, local or private organizations.
- 503.6 Encourages and/or supports curbside recycling programs.

Stormwater

- 504 Stormwater runoff, which contributes to surface water and/or groundwater pollution, is caused by urban, inter-urban, and agricultural uses. Urban areas should not be saddled with a disproportionate share of the costs or responsibilities associated with stormwater runoff. Solutions to stormwater runoff should entail a partnership approach between municipalities, counties, schools, water management districts, and state agencies.

The Florida League of Cities will support legislation that:

- 504.1 Requires contributing sources to share the proportionate costs of mitigating pollution from stormwater, and which ensures municipalities have the requisite authority to collect and impose stormwater user fees.
- 504.2 Requires the Florida Department of Transportation or appropriate county to be responsible for mitigating new and retrofitting existing effects of stormwater runoff from state or county road systems.
- 504.3 Requires the Florida Department of Environmental Protection to permit regional stormwater retrofit facilities in urbanized areas to improve water quality, encourage urban revitalization and discourage urban sprawl.
- 504.4 Provides local governments with the funding mechanisms and regulatory authority sufficient to achieve state or federally mandated pollutant loading reductions.

Coastal Management

- 505 Florida's coastal resources are considered to be among its greatest assets. These resources should be protected, especially land seaward of the Coastal Construction Control Line (CCCL), and enhanced so that they may continue to be enjoyed for generations to come.

The Florida League of Cities will support legislation that:

- 505.1 Provides for a reasonable and regular increase in publicly owned coastal land, emphasizing beach access, shoreline recreation, environmental education and hazard management, with continued support for Florida Forever, Florida Communities Trust, Save Our Coast, Conservation and Recreation Lands (CARL), and other state and federal funding programs.
- 505.2 Grants revenue-generating authority for projects designed to enhance and improve public access to beach areas, bayous and estuaries.
- 505.3 Requires strict enforcement of state coastal setback requirements in all jurisdictions.

Interior Waters, Waterways and Connected Systems

- 506 The Florida League of Cities requests state cooperation, regulatory support and funding assistance for plans developed by local governments to maintain and restore the healthy function of water systems.

The Florida League of Cities will support legislation that

- 506.1 Requires the state to assist in the permitting and funding of local government projects whose purpose is to protect natural systems from the pollutants and fluctuating flows caused by urban and rural development.
- 506.2 Requires the state to assist in the permitting and funding of local government projects for construction, maintenance and improvement of stormwater facilities and conveyance systems.
- 506.3 Requires the state to coordinate with and assist local governments in permitting and funding projects to maintain original design depth and improve water quality and circulation in existing canal systems.
- 506.4 Ensures that delineation of the boundary between publicly and privately owned submerged lands is established at the ordinary high water mark.
- 506.5 Requires that prior to the sale, lease or change of land use of publicly owned land, that impacted municipalities participate and make recommendations on such a decision being made by the governmental entities having jurisdiction.

Wastewater Treatment and Reuse

- 507 In most instances, municipal wastewater is properly treated and recycled back into the environment. The improper siting, installation and maintenance of package plants and septic tanks often does not accomplish the level of treatment needed to protect the ecosystems of the state, and acts only to exacerbate non-point source pollution problems. Wellfield or surface water contamination may occur, creating a serious threat to the health and safety of Florida's citizens.

The Florida League of Cities will support legislation that:

- 507.1 Prohibits the use of septic tanks in potable water wellfields and high-density urban areas and allows their limited use in rural areas only when soil conditions, topography and water tables are suitable, and municipal services are not available. In addition, septic tank siting decisions should consider the cumulative impacts of septic tanks on a given area.
- 507.2 Severely limits the installation of new, small package sewer treatment plants and increases state regulation of existing package plants, including strong measures to prevent improper operations, neglect and/or abandonment, and requiring closure when central sewage treatment is available.
- 507.3 Provides funding sources for upgrading or replacing old or failing septic tank systems where municipal services are not available.
- 507.4 Provides incentives for extensions of and hook-ups to municipal services.

Wetlands

- 508 The state's wetlands are essential to the state's natural ecosystem. These wetlands provide water filtration and storage, and serve as a natural habitat to fish and wildlife. Development in wetland areas should be prevented.

The Florida League of Cities will support legislation that:

- 508.1 Ensures that municipalities retain the right to adopt and enforce more stringent wetlands and upland habitat regulations within their municipal boundaries.
- 508.2 Facilitates and encourages wetland restoration and rehydration projects, including use of stormwater and/or treated wastewater for such projects.

Hazardous and Toxic Wastes

- 509 The proper identification, containment, storage, treatment, transportation and disposal of hazardous wastes, household chemical wastes, infectious materials, and other toxic materials are essential for the protection of the public health, safety and welfare. Furthermore, the proliferation of small, scattered disposal sites only exacerbates potential problems associated with hazardous and toxic waste management. A solution to the problems of hazardous and toxic wastes will require the cooperation of federal, state, and waste-generating and transporting industries.

The Florida League of Cities will support legislation that:

- 509.1 Defines chemical, biological, nuclear, toxic and infectious wastes, and establishes procedures that track the generation, transport and disposal of such waste.
- 509.2 Encourages the imposition of enhanced civil penalties that exceed the cost of legal disposal against illegal generators and/or dumpers of hazardous and toxic materials.
- 509.3 Encourages a reduction in the production of hazardous waste and promotes neutralizing potentially hazardous waste on-site.
- 509.4 Provides economic and regulatory incentives to encourage proper disposal of residential hazardous waste.

Environmental Funding

510 The state shall appropriate funds to pay for state environmental programs.

The Florida League of Cities will support legislation that:

- 510.1 Authorizes permanent, recurring funding sources to assist in the financing of environmentally related programs that are mandated by the state.
- 510.2 Increases state research funding to improve local waste disposal and recycling technology and to expand/create economically sustainable markets for recyclables.
- 510.3 Reinstates and maintains state funding from the Solid Waste Management Trust Fund to support municipal and county recycling programs.
- 510.4 Provides funding to local governments for eliminating exotic or nuisance plants that disrupt the natural function of wetland and upland systems, or which disrupt municipal stormwater and drainage systems.
- 510.5 Grants additional revenue-generating authority and technical assistance to support local environmental and growth management programs regulated by the state.
- 510.6 Provides funding for the restoration and maintenance of interior waterways and connected systems.
- 510.7 Provides adequate funding for state and local greenways initiatives and urban connectors.
- 510.8 Provides funding to local governments for the management and restoration of state lands purchased for conservation and recreation purposes.
- 510.9 Maintains a separate, dedicated state funding source for improvement and restoration of the Everglades ecosystem.

510.10 Provides funding for research and programs to abate red tide.

510.11 Provides funding to replace the tree canopy in areas subject to citrus canker eradication efforts.

Criminal Justice, Ethics and Personnel

Priority

The Florida League of Cities will support legislation that requires that job-related disabilities claimed from HIV, hepatitis, cancer, hypertension or heart disease be proven by the weight of evidence, and not a legal presumption of job relatedness.

Public Safety

600 The Florida League of Cities recognizes that the degree of crime in a community directly impacts the community and its quality of life. The paramount criminal justice problems presently crippling our communities are violent crime, alcohol and drug abuse, and the lack of appropriate and creative sentencing. Criminal penalties for violent crimes, whether committed by juveniles or adults, should be increased.

The Florida League of Cities will support legislation that:

- 600.1 Allows the use of law enforcement forfeiture funds for the continued support and operation of Community Resource Centers and other crime prevention activities to further the goal of neighborhood crime prevention.
- 600.2 Commits sufficient state resources toward adequately funding correctional facilities and law enforcement personnel, as well as drug prevention, education, rehabilitation and treatment.
- 600.3 Improves the process used by government and private agencies to track sexual predators/offenders when released or transferred into the community.
- 600.4 Increases the drug free "safe zone" from 200 to 1000 feet for purposes of enforcing special criminal penalties for drug dealing in or near public parks.
- 600.5 Allows local governments to continue to adopt more restrictive local ordinances on title loan companies.
- 600.6 Provides for easier recovery of stolen property by crime victims, and allows local governments to enact more restrictive ordinances for pawn brokering than state law.
- 600.7 Increases funding and local flexibility for mental health services either through the criminal justice system or mental health facilities.
- 600.8 Offers and improves law enforcement training to increase adherence to human sensitivity standards in the performance of police duties.

Juvenile Crime

- 601 The Florida League of Cities recognizes that to adequately intervene in the lives of first-time, non-violent offenders and troubled youth, and to prevent further loss of our youth to crime, requires community involvement. Appropriate community involvement will enhance individual family responsibility for juvenile offenders.

The Florida League of Cities will support legislation that:

- 601.1 Provides incentives to businesses and/or governments that offer employment, career and educational opportunities to juvenile offenders.
- 601.2 Facilitates, permits, and creates funding and incentives for local governments to partner with other governmental entities, utilizing existing public facilities, including school district facilities, to operate juvenile, out-of-school and after-school programs.
- 601.3 Encourages judges to use tougher sentencing for first-time, violent juvenile offenders.
- 601.4 Recognizes the rights of parents and certified school personnel to administer reasonable and proper discipline to children in their care.
- 601.5 Provides assistance to, strengthens or expands efforts by law enforcement, school and elected officials to stop violence in our schools.

Personnel Expenditures

- 602 Municipalities are major employers in Florida, with more than 100,000 employees. Personnel-related expenses account for between 60 and 80 percent of municipal budget expenditures. Municipal officials are held directly accountable to their citizens for these fiscal and administrative personnel decisions and should, therefore, have final control over the cost of providing pay and benefits for their employees.

The Florida League of Cities will support legislation that:

- 602.1 Protects the Home Rule ability of every city to effectively and locally manage all aspects of employee salary and benefit packages, in the best interest of taxpayers as well as employees.
- 602.2 Would allow flexibility in local government bidding requirements for competitive youth-at-risk programs that provide construction labor.

Local Public Officials

- 603 The Florida League of Cities recognizes that thousands of Florida citizens are now serving in municipal offices and that most serve in this public capacity with little remuneration and great personal expenditure of time, effort and talent. The League is of

the firm belief that individuals in such public office should not be subjected to undue or unreasonable restrictions in order to serve their fellow citizens, nor should they be subjected to frivolous charges.

The Florida League of Cities will support legislation that:

- 603.1 Requires that any Sunshine and Public Records Laws, now or in the future, apply equally to the Florida Legislature, state agencies, county and city governments.
- 603.2 Removes municipal employee personal records, and city-owned utility customer applications and payment records, from coverage under the Public Records Law.
- 603.3 Allows relatives of elected officials to serve on advisory boards, except land planning and zoning boards, in accordance with the conflict of interest requirements contained in Chapter 112, Florida Statutes.
- 603.4 Limits the ability of initiative groups to collect signatures for multiple constitutional amendment proposals, prohibits the compensation for the collection of signatures, and reforms the initiative process for greater accountability and state oversight.
- 603.5 Clarifies Section 286.011, Florida Statutes, and related case law, to exempt public advisory boards, commissions and committees (whose function is fact-finding and the exchange of information on pre-assigned areas of interest) from the Sunshine Law during these functions. The law should apply to these bodies when they meet to exercise an authority to recommend to a decision-making public body, or to the general public.

Employer/Employee Relations

- 604 Alternatives to collective bargaining, such as strikes, binding arbitration and using the "end run" to obtain pay and/or benefits, are unacceptable to locally elected officials. The injection of a third party into the process of setting community priorities and levying taxes is contrary to a representative form of government, and the essence of Home Rule.

The Florida League of Cities will support legislation that:

- 604.1 Prohibits binding arbitration as a resolution to impasse under the collective bargaining law.

Fire Safety and Emergency Services

- 605 Because the possibility of destruction of life and property by fire is a matter of concern wherever people live, fire is one of the foremost threats facing local governments. The Florida League of Cities recognizes that local government has been, and should continue to be, the primary force in combating this danger.

The Florida League of Cities will support legislation that:

- 605.1 Removes all restrictions from municipalities receiving a certificate of public convenience and necessity for emergency medical services, and requires appropriate and equitable funding from the Emergency Transportation Services Trust Fund when the municipality provides emergency medical services.
- 605.2 Makes funding available for equipping the state's first responder services in the wildland/urban interface areas of Florida. Monies are needed for wildland firefighting clothing and gear, emergency communication equipment, and replacement of antiquated brush trucks and engines.

Utilities and Telecommunications

Priority

The Florida League of Cities will support legislation that continues to simplify and enhance Florida's state and local fiscal policy in regards to the communications industry, which includes, but is not limited to the following:

- Establishing accurate local government communications services tax conversion rates;
- Establishing an accurate municipal communications services tax maximum rate that replaces the revenue capacity of the replaced revenue sources;
- Establishing an accurate and competitively neutral system for situsing transactions which recognizes municipal boundaries (situsing involves determining which city or unincorporated area taxable transactions occur);
- Authorizing the Department of Revenue and local governments to share information with one another and requiring the Department of Revenue to inform local governments of matters that affect their tax collections;
- Requiring communications services providers to properly use or update their tax compliance procedures based on information received by the Department of Revenue from local governments;
- Clarifying the authority of local governments to continue to require franchise agreements from cable service providers; and
- Recognizing revenues generated by the communications services tax are local government revenues, available for local government purposes without interference from the state.

Public Property Management

- 700 Public rights-of-way are real property of substantial economic value and interest to local communities that are held in common and controlled by municipalities for the benefit of the public and to facilitate the movement of commerce. Municipalities are trustees of public rights-of-way and, as such, engage in a variety of activities, including granting franchises, promulgating construction standards, charging fees, levying rental charges and issuing permits. These activities are undertaken to minimize service disruptions to the public, protect public investments in the rights-of-way and assure the appropriate placement of service facilities. There should be no action by the legislature that restricts the authority of municipalities to manage this public asset and to receive fair and reasonable compensation from private users of this property.

The Florida League of Cities will support legislation that:

- 700.1 Ensures municipal government remains the principal authority without restrictions to negotiate, collect, audit and use franchise revenues at its discretion.

- 700.2 Promotes competition and efficient use of public property by ensuring that those who use the public rights-of-way pay fair value, impact costs and administrative fees to municipal governments for that use.
- 700.3 Ensures that taxpayers are not required to subsidize the use of the rights-of-way either through low rates for use, or by reducing revenues now available to municipalities.
- 700.4 Ensures municipalities are able to prevent repeated disruption of streets by establishing requirements for the placement and use of conduit and other infrastructure in public rights-of-way.
- 700.5 Ensures that municipalities may require those who wish to use the rights-of-way to show that they are qualified to do so, and ensures that municipalities are able to prevent unqualified entities from entering the rights-of-way and creating hazards to the public and to property.
- 700.6 Ensures any users of the rights-of-way may be charged fair and reasonable compensation (i.e. rent or fee) for that use, even if the user does not own those facilities located in the rights-of-way.
- 700.7 Directs that an unbiased and comprehensive study of the total life cycle costs of overhead versus underground electric utilities be undertaken.

Telecommunications

- 701 Florida cities strongly support the development of competition in telecommunications. However, while the information superhighway presents considerable opportunities, it also presents considerable challenges for municipalities. As events unfold, it is clear that some communities may be bypassed by the telecommunications revolution and that the regulatory powers that municipalities have enjoyed may become more vulnerable. To ensure that the development of the information superhighway benefits all municipalities, steps must be taken to ensure that their role in protecting the interests and safety of their communities is not sacrificed and local control is maintained.

The Florida League of Cities will support legislation that:

- 701.1 Maintains municipal governments' bonding capacity by ensuring that the development of the information superhighway does not reduce the revenues available to municipalities, or impose new costs upon them or their citizens.
- 701.2 Includes expanded definitions of cable and telecommunications products and services to keep up with the development of technology.
- 701.3 Eliminates tax inequities by allowing similar taxation of functionally equivalent telecommunications services regardless of the service provider.

- 701.4 Ensures municipal authority to provide telecommunications services.
- 701.5 Recognizes municipal authority to impose reasonable, nondiscriminatory requirements for the provision of telecommunications services within the municipality, so long as such requirements do not conflict with the current jurisdiction of the Public Service Commission.

Utilities: Electric, Gas, Water and Others

702 Much like the deregulation of the telecommunications industry in 1996, efforts are underway at the state and federal levels to allow increased competition in the electric and gas utility industries. Municipal officials recognize that market and consumer pressures exist for cost efficient utilities. They also recognize the need for safe and reliable electric and gas systems. It is paramount that restructuring the delivery of electricity and gas not interfere with municipal authority to manage public rights-of-way, administer franchise fees, collect other revenues, or become utility aggregators.

In addition, municipalities should not be restricted on the use of the funds generated from utilities, nor be preempted from establishing rates for providing such services.

The Florida League of Cities will support legislation that:

- 702.1 Repeals Section 166.231(1)(b), Florida Statutes, which exempts the fuel adjustment charge from the Public Service Tax.
- 702.2 Ensures municipal authority to levy, collect, audit and use Public Service Tax revenues at its discretion.
- 702.3 Permits imposition, audit and collection of the Public Service Tax on utility services used within a municipality, even if the utility service is purchased elsewhere.
- 702.4 Changes the Public Service Tax to a use or sales based tax.
- 702.5 Ensures the authority of municipalities to provide utility services now and into the future.
- 702.6 Protects the stranded investments of municipalities.
- 702.7 Protects municipalities from reductions of assessed value of utility property, in-lieu payments, or other revenues, as a result of electric restructuring.
- 702.8 Allows municipalities to become aggregators of services, whether individually or on a collective basis.
- 702.9 Maintains municipal authority to set rates and establish service for water, sewer, electric, gas, telecommunications or any other municipally operated utility.

- 702.10 Ensures municipal competitiveness in providing or arranging for utility services by exempting from the Public Records Law related business records.
- 702.11 Recognizes that certain public records pertaining to utility compliance audit work papers should be exempt under the Public Records Law.
- 702.12 Protects municipal authority to provide utility services outside incorporated boundaries and to charge a reasonable surcharge for these services.
- 702.13 Ensures the ability of municipalities and municipal utilities to provide a full range of services and products for customers without subjecting such activities to taxation or undue regulation.
- 702.14 Authorizes municipalities to set water or sewer utility rates without having to meet unreasonable notice requirements.

Universal Service

As the deployment of the information superhighway continues, municipal officials remain concerned that their citizens have universal access to affordable, basic communications services, regardless of whether they reside in urban, suburban or rural areas. Toward this end, state and local governments, businesses and citizens must all work together, as equal partners, to recognize this shared goal and to cooperatively find ways to ensure universal service is realized.

Growth Management Legislative Policy Recommendations

*(as adopted by the Intergovernmental Relations and Environmental
Quality Legislative Policy Committees on 11/16/00)*

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PREFACE

The Florida League of Cities concepts for growth management were deliberated over a period of one year by members of various Ad Hoc committees and members of both the Intergovernmental Relations and Environmental Quality Legislative Policy Committees. The purpose of the groups' review was to formulate a comprehensive policy to address Florida's future growth management practices, to provide a municipal perspective as implementers of growth management laws and to act as a resource to state policy makers, including the Governor's Growth Management Study Commission.

INTRODUCTION

The Florida League of Cities generally supports legislation that ensures those state laws and agency rule procedures over comprehensive planning functions be streamlined to reduce unnecessary requirements, promote local flexibility and define the role and interests of the state. Such streamlining should occur only after a comprehensive and deliberative review of the Growth Management Act. Legislation should consider the diverse characteristics of municipalities and provide a dedicated funding source for mandated local planning activities.

The 1985 Growth Management Act, which shaped comprehensive plans in every community, has for the most part remained unexamined since its creation. In many cities, the comprehensive plan has been a helpful tool in creating a better quality of life. After 15 years, it is time to revisit the act to determine if goals have been met and how best to implement revised "smart growth" strategies that ensure economic prosperity while maintaining the quality of life. Current policies, although well intentioned, are too "one size fits all" to be effective and have generally not resulted in achievement of goals and objectives set forth.

Unnecessary government expenditure to support comprehensive planning requirements and urban sprawl development can be avoided only if growth is properly managed and channeled to designated and acceptable urban growth areas and city and county governments continue to play a primary role in managing Florida's growth.

GROWTH MANAGEMENT GOALS

The Florida League of Cities considers governmental decisions to be vitally important in maintaining a high quality of life in Florida. The intended goals of the current process of growth management remain sound and the process has benefited Florida in many ways. Like any such process, however, it must be adjusted periodically to accommodate new developments and unforeseen needs. Improvements for the future should be made while preserving attributes from the past. The League searched for the appropriate "growth management tools" to help governments better prepare for managing the growth of the future. Accordingly, the Florida League of Cities targets the following growth management goals:

- Annexation Reform
- Recurring Funding Source for Comprehensive Plan Requirement
- Streamlining of Comprehensive Planning Procedures
- Curtailment of Urban Sprawl/Municipal Service Delivery
- Growth Paying for Itself
- The Protection of Natural Resources

Annexation Reform

Annexation in Florida was traditionally employed to enable rural properties to receive urban services. As originally envisioned, this process provided a mechanism to ensure the rationale and cost effective expansion of municipal borders, while at the same time minimize the occurrence of duplicative service delivery. However, with Florida's tremendous growth and the demand for essential services, these laws have not kept pace with the needs of our communities. In fact, current procedures are so inflexible that they often lead to continuous intergovernmental conflict in both the provision and financing of essential services. It is therefore the position of the League that the foundation of any growth management revision must include an overhaul of annexation procedures. Specifically, we recommend that the state's annexation laws be amended to encourage the orderly expansion of municipal boundaries to ensure the coherent and cost-effective delivery of urban/municipal services.

Recurring Funding Source for Comprehensive Planning Requirement

In 1990, the State Constitution was amended to limit the Legislature's ability to pass unfunded mandates to county and city governments. Implementation legislation for the amendment is reserved to the Legislature and has not yet occurred. The most important considerations for cities are: defining fiscal impact of proposed legislation and establishing local venues for the legal challenges of un-funded state mandates. The State must fully fund the cost of local government's processing of state-required comprehensive planning requirements and evaluation and appraisal reports by establishing a recurring funding source within the State's budget.

Streamlining of Comprehensive Planning Procedures

The Florida League of Cities will support legislation that streamlines state laws and agency rule procedures regarding municipal comprehensive planning functions and eliminates those determined to be unnecessary; includes provisions that recognize the unique characteristics of local communities; flexibility for local government implementation; and recurring state-funding to support local governments' processing of state-mandated comprehensive planning and evaluation and appraisal reports.

Urban Sprawl/ Municipal Service Delivery

Municipalities are the accepted and recognized urban form of government in this nation and state. They are closest to the citizens and they are - by far - the principal supplier of basic services to residents in mid-size to densely populated areas. The cost of creating new services in outlying areas is greater than providing the same service by expansion through an existing municipality with appropriate infrastructure. Urban encroachment into agricultural and environmentally endangered lands should be prevented and growth in areas near existing public services and facilities should be promoted. The service capacity of municipalities must be improved by modifying and expanding their revenue base; discouraging duplication in the delivery of urban services by other governmental or quasi-governmental entities; and encouraging high-density urban development to better utilize existing municipally-owned infrastructure.

Growth Paying for Itself

Florida will continue to grow in the future and at a rapid pace. Public facilities will have to be expanded to service this growth, but the financing of these new facilities should not unfairly fall upon existing residents. The creators and the beneficiaries of growth should absorb the principal share of the cost associated with servicing the needs that arise from population growth.

Protection of Natural Resources

Florida's unique environment, beautiful beaches and moderate climate are a blessing but present many problems and challenges. Indiscriminate development in some areas of the State has threatened to damage this natural environment. Florida's future growth should be managed and guided through a mutually agreed upon state urban/suburban growth policy designed to carefully protect our fragile eco-system. Florida has minimum statewide natural resource protection requirements and possesses many diverse and unique resources that may require additional protection on a regional or local basis. Therefore, it is essential that local governments have the authority to adopt more stringent local standards to protect such resources when necessary.

GROWTH MANAGEMENT RECOMMENDATIONS

The Florida League of Cities IGR and EQ Legislative Policy Committees recommend the following proposals in order to accomplish the goals that have been set forth here and to properly manage growth in Florida.

I. Annexation Reform

Municipalities traditionally are the urban form of government, whereas counties have been viewed as the local arm of state government. Annexation in Florida was traditionally employed to enable rural property to receive urban services. With the onset of counties providing services, the traditional reason to annex has been diminished greatly. Florida's tremendous growth rate and inflexible annexation policies have caused disruption in this historical relationship and a continuous conflict in the delivery and taxation procedures for many public services. In the absence of a reserve area agreement or joint planning agreement, annexation in Florida has become an invitation to litigation between cities and counties. We recommend that the role of municipalities as the primary provider of basic local services should be re-affirmed. Further, to accommodate this policy, the State's annexation laws should be amended to encourage the orderly expansion of municipal boundaries to ensure the coherent and cost-effective delivery of urban/municipal services. Therefore, the League supports:

- A. A method which provides a procedure for the establishment, through the local planning process, of urban service and annexation boundaries adjacent to and between municipalities which recognizes eventual annexation of those areas in a reasonable and responsible manner.
- B. Strengthening the ability of municipalities to eliminate all enclaves regardless of size and provide reasonable procedures to expeditiously annex areas that are adjacent to their boundaries.
- C. A method that provides the annexation of urban service areas into incorporated areas within specified time frames.
- D. A method that permits municipalities to amend their comprehensive plans and rezone property simultaneously with the voluntary annexation of property.

II. Recurring Funding Source for Comprehensive Planning Requirement

In 1990, the State Constitution was amended to limit the Legislature's ability to pass un-funded mandates to county and city governments. The State must uphold the State Constitution by establishing a recurring funding source within the State's budget to solely fund the cost of local government's processing of state-required comprehensive planning requirements and evaluation and appraisal reports. The League supports legislation that:

- A. Limits the state's ability to require municipal government enforcement of state policies and programs and ensures that all costs incurred by local governments administering state laws are offset by state revenue.
- B. Provides a recurring state funding source for preparation of comprehensive plans of future incorporated municipalities.
- C. Provides appropriate fiscal autonomy to address local infrastructure needs, as well as state growth management requirements.

III. Streamlining Local Government Comprehensive Planning

The concept of local planning is essential if growth is to be properly managed within the state. In 1975, the Legislature passed the first "Local Government Comprehensive Planning Act" which mandated that all local governments formulate a comprehensive plan that outlined how they intend to manage their growth. Local governments throughout the State - at great local taxpayer expense - complied with this mandate. The State has not met its commitment to fund this planning requirement by statutorily implementing a funding source. Local Governments have formulated and defended additional growth management concepts such as impact fees, density caps, and planned unit developments. The League recognizes the need for coordinated planning throughout the State, but believes that any changes in the present local planning process should be preceded by a state commitment to statewide planning goals which define the role and interests of the state and will not unnecessarily interfere with issues that are local in nature. Emphasis should also be placed on "smart" and sustainable growth that does not compromise the ability of future generations to address and fulfill their growth management needs.

The League supports:

- A. A recurring funding source to provide financial and technical assistance to improve the quality of local government comprehensive plans.
- B. Legislative adoption of a state comprehensive plan that identifies significant state and regional issues, provides guidance for local government comprehensive plans, and promotes local flexibility.
- C. Streamlining the Local Government Comprehensive Plan to eliminate unnecessary and jurisdictionally duplicative requirements.

IV. Urban Sprawl/Municipal Service Delivery

The curtailment of urban sprawl should be a primary goal of any growth management program. Up until the 1960's, 75% of Florida's population resided within city limits. Currently, 51% reside in unincorporated areas and 49% within incorporated areas, but mostly within suburban settings-- neither urban nor rural. Urban sprawl leads to the waste of taxpayer dollars to expend or expand services in outlying areas. The cost of sprawl does not only involve unnecessary expenditures of public dollars - it also leads to the unnecessary use of land, water, and other resources. Development policies which authorize and encourage urban sprawl should be repealed; growth that is identified as contributory to a wasteful use of resources and which fuel urban sprawl development should be discouraged and not supported by public expenditures; and developments which promote compact, orderly growth and/or infilling should be encouraged and

rewarded. All significant public expenditures should be carefully scrutinized to ensure that they are not indirectly creating more sprawl. Incentives should be created for projects that promote growth in existing urbanized areas and disincentives for projects not meeting these criteria. Growth management efforts and expertise have largely focused on urban areas. Careful attention is now needed to also address the growing needs of rural areas, among them protecting their unique character, historical value, cultural assets and natural resources while supporting their economic interests and viability. The League supports:

- A. Discouragement of development in areas where municipal government services and infrastructure are not available to support increased growth.
- B. Providing financial incentives for developments that encourage greater use of existing urban infrastructure.
- C. All initiatives that ensure the implementation of responsible growth management practices and support the Home Rule authority of municipalities.
- D. Requiring the orderly extension of urban services and infrastructure and provides redevelopment incentives for compact urban centers to discourage urban sprawl while promoting fiscally strong urban communities.
- E. Ensuring that the unique resources and characteristics of a municipality are recognized and retained.

V. Developments of Regional Impact (DRI)

The DRI process is designed to monitor developments that impact more than one county. The Florida League of Cities recognizes the need for a coordinated process for reviewing developments that affect more than one jurisdiction. The concept of Developments of Regional Impact preserves the concept of local decision-making, but offers an opportunity for a challenge to a decision which may adversely affect the citizens of another jurisdiction. While there are some problems with the DRI process as it exists today, the League believes that the process can be greatly improved by implementing a number of revisions as suggested below. The League supports:

- A. The use of the DRI process to allow review of major developments that impact across municipal or county boundaries and which allows affected adjacent governments to participate in the appeal of a local government decision on the development.
- B. Increased state funding to administer the DRI process.
- C. The establishment of flexible DRI guidelines in order to discourage the practice of developments which deliberately fall under the DRI threshold limits, thereby avoiding the scrutiny of the process.

- D. Eliminating the State override of a local government order which denies a development permit to a private development.
- E. Establishing an automatic termination of any DRI approval for which development has not occurred within a time certain.

VI. Areas of Critical Concern

The Areas of Critical Concern Program provides a means for the State to become involved in local planning where there is a legitimate state or regional concern that has been identified by the Governor and Cabinet, and ultimately approved by the Legislature. The process offers the State the opportunity to coordinate with local governments in protecting the State's valuable natural resources. The program requires the investment of state financial and technical resources to be used in conjunction with local resources. The Florida League of Cities supports the Area of Critical State Concern Program because of the protection it offers to the resources of the State and the many safeguards against arbitrary intrusion into local affairs. The League supports:

- A. Expanded and sufficient state funding to properly administer the Area of Critical State Concern Program.
- B. Legislative identification of specific issues (e.g. water, wetlands, beach erosion, etc.) that are of significant state importance which should be considered as criteria for designation of Areas of Critical State Concern.

VII. Implementation of the 10 Principles for "Smart Growth"

The Governor's Growth Management Study Commission's guiding principles include growth management goals to create a method by which the state can best implement "smart growth" strategies that balance economic prosperity with our exceptional quality of life. The Florida League of Cities recommends the following key ingredients to creating prosperous and viable communities and joins the League of California Cities in recognition of the following *10 Principles for "Smart Growth"*:

- ❖ Well-Planned New Growth
- ❖ Maximize Existing Infrastructure
- ❖ Support Vibrant City Centers
- ❖ Coordinated Planning for regional Impacts
- ❖ Support High Quality Education and School Facilities
- ❖ Build Strong Communities

- ❖ Emphasize Joint Use of Facilities
- ❖ Support Entrepreneurial/Creative Efforts
- ❖ Encourage Full Community Participation
- ❖ Establish a Secure Local Revenue Base

CONCLUSION

Florida's growth is going to continue. Total restrictions on growth are neither viable nor in the best interest of the State or its citizens. Growth, however, can be managed so as to preserve our environment and to preserve the quality of life.

In order to properly manage and provide for growth it is necessary to have a coordination of efforts between state and local governments. Efforts must be made to encourage where services are presently available or where they can be provided in a cost effective manner.

Inflexible annexation policies, lack of committed and consistent leadership, guidance and financial support from the State on policies concerning population growth and prevention of urban sprawl have resulted in erosion of the traditional capacity to provide basic urban/suburban services. These policies have created inconsistencies in understanding proper local government relationships and taxing patterns. A responsible "urban and rural policy" must be established by the State to reestablish these traditional responsibilities.

The Legislature must also adopt concrete goals and objectives in a statewide comprehensive plan and provide both the technical and financial assistance necessary for local governments to assist in attaining the stated goals. Amending current annexation statutes is vital to this effort. Many state goals may also be accomplished through the effective implementation of the existing Area of Critical Concern Program and an expanded or revamped Development of Regional Impact program.

The State also must be willing to provide the financial and technical assistance to local government in understanding and implementing statewide policies at the local level.

It must be the local government's responsibility to regulate local growth and act in coordination with the State in implementing the state goals to guard against sprawl, protect our natural resources and provide for the effective provision of services through the use of the comprehensive planning process. The identification of problem areas and state intervention may prove necessary under certain limited situations. The primary responsibility for implementation at a local level, however, must remain with the local elected officials to ensure active citizen participation, input and support.

It is essential to recognize and respect the concept that local issues are best resolved at the local level of government and to prevent attempts to erode municipal governing powers. Effective growth management in Florida will depend on general public support and cooperation among all levels of government.