

Recommended 2007 State Legislative Priorities City of Gainesville Legislative Subcommittee

Project Funding Requests

Position

The City requests funding assistance from the State of Florida for the following projects that have either a statewide or an area wide impact.

1. Regional Traffic Management Project - The City requests \$ 16 Million in funding for a Regional Traffic Management System. The Traffic Managements System will have a Regional Impact on the entire Alachua County, including the I-75 Corridor.

This project has been selected by the Metropolitan Transportation Planning Organization (MTPO) as the number 1 transportation need for the Gainesville Urban Area. It will enhance transportation in the Gainesville Urban Area by:

- Enhancing emergency services by providing for better response times.
- Enhancing mass transit by improving headways.
- Providing for incident management, including but not limited to traffic crashes and vehicle breakdowns, and for special event management.
- Providing motorists with real time information on traffic conditions so they can select alternate routes to their destinations.
- Reducing traffic congestion and vehicular delay, which will reduce fuel consumption and vehicle emissions.

The project will have a regional multi-agency benefit. Regional and local agencies to benefit from this project include the City of Gainesville Public Works Department; Alachua County Public Works Department; Gainesville Fire Rescue Department; Alachua County Fire Rescue Department; Alachua County Department of Emergency Management; Gainesville Police Department; Alachua County Sheriff's Office; Regional Transit System, North Central Florida Regional Planning Council and the University of Florida.

Contact: Teresa Scott, Public Works Director

2. Water Project Requests - The City supports the following regional water projects, and requests funding assistance where appropriate for itself and for its partner agencies:

Sweetwater Branch/Paynes Prairie Pollutant Treatment Wetland Project.
(Estimated cost - \$2 Million) The project consists of a 50-acre treatment

wetland to remove pollutants from Sweetwater Branch before it flows into Paynes Prairie Preserve State Park and down Alachua Sink into the Floridian Aquifer. The project is included in the City's Watershed Management Plan for Sweetwater Branch and is one of a series of projects designed to address the Alachua Sink nutrient TMDL. The Paynes Prairie Treatment Wetland is also the top priority capital project listed in the SJRWMD Orange Creek Basin 2004 Legislative Initiative.

Watershed Management Project for Sweetwater Branch and its Tributaries. (Estimated cost - \$1.808 Million) This project is a revision of the Watershed Management Plan for Sweetwater Branch and its tributaries so as to include capital projects that will address the nutrient TMDL for Alachua Sink. Results of updated hydrologic and hydraulic modeling using a digital terrain model are being incorporated into the FEMA Flood Insurance Rate Map for Alachua County. Five top ranking projects were selected to be implemented. These include three sub-regional stormwater treatment ponds, an in-stream trash trap, and a series of grade control structures designed to control excessive erosion and sedimentation.

Duval Stormwater Park Project. (Estimated cost - \$1.2 Million) This water quality improvement project targets a 26 acre site located within the City of Gainesville's Front Porch Community and will be included in the Basin Management Action Plan for Newnans Lake, a nutrient impaired TMDL water body. The park will also facilitate neighborhood revitalization projects. The City is currently working on improving infrastructure and purchasing vacant lots within an adjacent 6 block subdivision. Water quality credits from the park will be applied to roadway improvements. The park will also provide recreational and educational opportunities. A paved fitness trail will meander through the nature/stormwater park. The City of Gainesville's Nature Operations Division is seeking funding for playground equipment, a small education facility, and a maintenance residence. The education facility would be used for environmental, nutrition and fitness education programs.

Little Hatchet/Lake Forest Creek Watershed Management Plans. (Estimated cost - \$500,000. Both Little Hatchet and Lake Forest Creeks contribute surface water to Newnans Lake, a nutrient impaired TMDL water body. During the second cycle of the TMDL development, the City of Gainesville will receive a pollutant reduction allocation for the areas of the City that drain into Newnans Lake. In order to identify and prioritize water quality improvement projects, the City will need to update the Watershed Management Plans for these two creek basins.

Stormwater grant programs are generally allocated for construction of capital improvement projects. It is more difficult to obtain financial assistance for

planning studies. We would like to explore the possibility of obtaining partial funding of the Little Hatchet and Lake Forest Creek studies through the FEMA Map Modernization program. These funds can be used to obtain digital terrain mapping and to conduct hydrologic and hydraulic analysis of the creek systems. This information is a significant portion of the work needed to complete a watershed management plan. The work effort would also be used to amend the Flood Insurance Rate Maps for Little Hatchet and Lake Forest Creeks.

The City is a Cooperating Technical Partner with FEMA, however our efforts to secure grant funds directly through FEMA have failed. It appears that requests for Map Modernization funds must be made by the Water Management Districts. While SWFWMD is pro active in securing FEMA funding, SJRWMD has not been responsive to our request for assistance in securing FEMA Map Modernization funding.

Potential Cost Share Partner:

SJRWMD	Special Programs
FEMA	Map Modernization Program

Hogtown Creek Restoration Plan. (Estimated cost - \$3.6 Million)

The Hogtown Creek watershed is a highly urbanized watershed that was developed before stormwater regulations were promulgated and implemented in the State. Stream flow within this urbanized watershed rises and falls rapidly in response to rainfall. The altered creek flow has resulting in erosion of the sandy stream bed in the upper reaches of the stream system. The sand is then washed downstream and deposited in the lower reaches. This excessive erosion is a significant threat to infrastructure, including pipe line systems, roadways and buildings adjacent to the streams. The vast quantity of eroded sediment that is deposited in the floodplains of the lower stream reaches, exacerbates flooding and destroys aquatic and riparian habitat.

Tumblin Creek Wetland Restoration Project. (Estimated cost - \$1.37 Million)

Tumblin Creek is impaired for fecal coliforms, and it is anticipated that Bevins Arm Lake will be listed for nutrients during the next TMDL cycle. The project will include stream stabilization in the upper reaches, installation of an in-stream trash trap and restoration of historic flow patterns to the 30-acre wetland. A Wetland Impact Assessment has been completed and the development of a Watershed Management Plan for Tumblin Creek is underway and expected to be completed by December. The Watershed Management Plan will include conceptual designs of all the elements of the Tumblin Creek Wetland Restoration Project. The City has also purchased land where the trash trap will be built and has had

conceptual plan discussions with the University of Florida officials regarding their participation and ownership most of the 30 acre wetland area. The City has invested \$344,000.00 in this project to date.

Contacts: Russ Blackburn, City Manager or Teresa Scott, Public Works Director

3. Regional Juvenile Crime Prevention Initiative - The City of Gainesville requests \$150,000 of funding assistance from the State of Florida to assist with construction of a new facility to expand the capacity of the Reichert House Program. This Program, in existence for 10 years, is a nationally unique juvenile crime prevention initiative with an 85% non-recidivism rate. It is part of the *“Regional Continuum of Juvenile Crime Prevention Initiative – Programs and Services to High-Risk Youth”*, inaugurated in 1996. This initiative has received Special Purpose Grant funds from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, which recognizes it as a nationally unique and promising approach to reducing juvenile delinquency and crime.

The Reichert House Program now serves 80 high-risk African American youth. A combination of Federal Department of Housing and Urban Development CDBG funds and local commitments and contributions provided the additional \$459,000 to complete this phase of the Reichert House facility. The House is still in dire need of a space for mental health counseling for the youth, and staff development.

Contacts: Russ Blackburn, City Manager or Tony Jones, Community Relations Coordinator

4. Regional Groundwater Monitoring Network & Protection of Water Supply - The City requests \$1,500,000 for establishing a Regional Groundwater Monitoring “sentinel” Well Network around the City’s wellfield, and for supporting the City’s efforts to pursue cleanup of the Cabot/Koppers Superfund site.

The sentinel monitoring well network will provide the ability to detect the presence of any contamination moving toward the wellfield from the Cabot/Koppers site, or other contamination sources in advance of it reaching the City’s water supply wells. This will provide an early warning system so that, if contamination is detected, the City can take necessary actions to prevent it from reaching the City’s drinking water supply. The City also requests support in pursuing funding for this project from the FDEP Water Supply Protection Program.

The City is requesting funding to assist in its efforts to pursue USEPA and the parties responsible for cleanup of the Cabot/Koppers Superfund site. These efforts are necessary in order to ensure that appropriate and timely steps are taken to protect the City's water supply, and that the site is cleaned up in an appropriate and timely manner.

Contact: David Richardson, Gainesville Regional Utilities Assistant General Manager for Water or Wastewater

5. Improvements to Meet Total Maximum Daily Load (TMDL) - The City of Gainesville requests \$2,000,000 to assist with meeting the nutrient Total Maximum Daily Load (TMDL) for the Alachua Sink established by the Florida Department of Environmental Protection. Based on the adopted TMDL, the City's Main Street Water Reclamation Facility (MSWRF) will be required to achieve a 65% reduction in total nitrogen discharges from the facility. The MSWRF treats wastewater from the City's downtown and surrounding areas and has a rated capacity of 7.5 million gallons per day (mgd). The effluent from the facility is discharged to Sweetwater Branch, which flows into Alachua Sink. The proposed funding will be allocated to the most cost effective methods to meeting the TMDL which may include partnership in a wetland treatment system, improvements to the MSWRF to reduce nutrients, increasing water reuse near MSWRF, or flow transfer pumping and piping facilities to optimize wastewater treatment and water reuse with the City's Kanapaha Water Reclamation Facility.

Contact: David Richardson, Gainesville Regional Utilities Assistant General Manager for Water or Wastewater

6. Enhancement Penalties for Repeat Offenders of the Exposure of Sexual Organs, 800.03 Statutes - The City of Gainesville supports an amendment to Chapter 800.03 FSS to enhance penalties for repeat Exposure of Sexual Organs violations. It is currently unlawful for any person to expose or exhibit one's sexual organs in public or on the private premises of another in a vulgar or indecent manner or to be naked in a public place. The existing statute has no enhancement for repeat violators. The violation is currently a misdemeanor of the first degree irrespective of how many times the same individual is arrested and/or convicted of the crime.

Contact: Police Chief Norman Botsford

7. Enhancement Penalties for Repeat Offenders of the Loitering and Prowling, 856.021, Statute - The City of Gainesville supports an amendment to Chapter 800.03 FSS to enhance penalties for repeat Loitering and Prowling violations. It is currently unlawful for any person to loiter or

prowl in a place, at a time or in a manner not usual for law abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. The existing statute has no enhancement for repeat violators. The violation is currently a misdemeanor of the second degree irrespective of how many times the same individual is arrested and/or convicted of the crime.

Currently, there are enhancements for other misdemeanor crimes, such as battery and petit theft, making them felonies based on the number of previous arrests and/or convictions.

Contact: Police Chief Norman Botsford

8. Strategic Intermodel Access System - the City of Gainesville and Alachua County appear to be disadvantaged by our lack of destinations under the Strategic Intermodel Access System. Several years ago, the Florida Department of Transportation worked with the Legislature to target most state transportation funds to communities that possess identified strategic destinations. Those destinations include items like ports, regional airports, the state capitol, and major theme parks. Gainesville and Alachua County are now seeing the impact of the strategic direction in reduced funding for transportation projects. The City Manager is suggesting that the City Commission engage our Legislative Delegation, and if appropriate, seek legislative changes that would potentially add the University of Florida as a destination to the Strategic Intermodel Access System.

Contact: Russ Blackburn, City Manager

9. Improvements to the I-75/Newberry Road intersection - this intersection currently has excessive stacking to get onto I-75 heading south, as well as excessive stacking going north during major events at the University of Florida. No dollar amount has been identified at this point; however, Commissioner Braddy wanted the Audit, Finance and Legislative Committee to begin to explore whether this item should be included in the 2007 Legislative Agenda.

City of Gainesville

2007 Legislative Statement

Simplified Gross Receipts Tax Calculation for Bundled Electric Utility Service

Position

The City of Gainesville supports legislative initiatives simplifying the calculation of the Florida Gross Receipts Tax for municipal utilities. Currently, the Florida Gross Receipts Tax calculation for bundled electric utility service utilizes a formula which yields varied results. The Legislature is asked to amend Section 203.01, Florida Statutes, to allow a simpler method to be used for calculating the Florida Gross Receipts Tax on bundled electric utility services.

Key Points

1. The Florida Department of Revenue levies a tax upon gross receipts for utility services, including gas and electric services. The statute was amended in 2006 allowing for a streamlined index price calculation of the gas portion of the Florida Gross Receipts Tax.
2. The 2006 amendment excluded the delivery of electricity from the streamlined calculation due to the bundled nature of the Florida market.
3. Allowing utilities to use the index price basis calculation for electric utility service would reduce the cost and complexity of billing for these services, provide for improved customer service with more accurate and simple billing explanations, and provide more easily auditable information to the Florida Department of Revenue.

Proposed Action

Amend Section 203.01, Florida Statutes, to allow the index price method to be used for calculating the Florida Gross Receipts Tax on bundled electric utility services.

Contact

Jennifer L. Hunt, Chief Financial Officer, GRU

Todd Kamhoot, Sr. Utility Analyst, GRU

Kevin Crawford, Sr. Utility Analyst, GRU

City of Gainesville

2007 Legislative Statement

Instant Run-Off Voting

Position

The City of Gainesville supports amendments to Chapters 100 through 105, Florida Statutes, to:

1. Specifically authorize the use of the "Instant Run-Off Voting" (IRV) method in Florida elections, and
2. Require the Florida Division of Elections to certify IRV voting equipment and software.

Key Points

1. Instant runoff voting allows for a winning candidate to be elected without the need for a separate run-off election. Voters elect officials by marking a ballot for a first-choice candidate, a second-choice candidate, and so on. A voter can rank as many or as few as candidates as s/he desires. If no candidate receives a majority of "first" votes in a tabulation round, the candidate with the lowest vote total is eliminated, and her/his votes are transferred to remaining candidates until a candidate receives a majority of votes in a round.

Instant runoff voting (IRV) is currently not certified for use in Florida, and cannot be used until it receives State certification.

2. Chapters 100-105, Florida Statutes, essentially dictate election methods that can be used in Florida. Among the requirements, the Florida Department of State and Division of Elections are directed to adopt standards for voting systems and to certify all voting hardware (equipment) and software for use in Florida. In addition, the hardware and software used together must be certified as a unit.

3. While there is no law that prohibits the use of IRV in Florida, there is also no law that specifically authorizes the use of IRV. No IRV system is certified for use in Florida. The decision to submit an application for State-certification is solely that of a manufacturer.

4. New Florida legislation could encourage vendors to create IRV software for use with current State-certified equipment, and to submit applications for Florida certification of IRV software.

Contact

Marion J. Radson, City Attorney

Charles L. Hauck, Sr., Assistant City Attorney

City of Gainesville

2007 Legislative Statement

First Responder Funding

Position

The City of Gainesville supports legislative initiatives amending the process by which the State of Florida distributes federal funds intended to benefit local first responders. The Legislature is asked to amend Florida Statutes to allow efficiency in carrying out the intent of Congress involving Department of Homeland Security (DHS) funds directly and expeditiously into the hands of local first responders and agencies.

Counties have Emergency Management (EM) staff and equipment funded, whereas cities do not. State EM grant funds are overwhelmingly allocated to counties with cities competing with each other for a limited share of grant funds. Counties provide only limited disaster services whereas cities provide the bulk of them without similar funding. To address these issues, the City is proposing a more streamlined process for grant review and funding distribution.

Key Points

1. All emergency responders in the City of Gainesville and Alachua County are dispatched through a single operations center. We have demonstrated a commitment to a system with sustainability as a top priority. This coordination centralization is uniquely positioned to take full advantage of technology that can store and retrieve vital information from a central repository and send it to all responders within the county. The ability of first responders to quickly access accurate data is paramount to successful emergency operations.
2. Congress passes legislation and provides funds intended to benefit local first responders. The DHS has been provided large amounts of funds and directed to get them in the hands of local first responders (after deducting a portion of the funds for administration). This is not working in the State of Florida. The convoluted and circuitous paths in the system by which these funds are to reach local first responders in Florida involves huge delays – even a matter of years and multiple layers of agencies (each of which takes a cut for administration), and is subject to tremendous political maneuvering and micromanagement at the state, regional, and county levels – resulting in very little if any

funds actually arriving in the hands of local first responders, and in virtually no input from them as to what they really need to protect the populations they serve.

3. When DHS funds reach the State of Florida, they are allocated to various State-level departments, which are charged with using the funds for the benefit of local first responders. These agencies often delegate the utilization of funds to regional task forces and or to the 67 counties. The process followed by DHS to identify the cities needs are not conveyed. In Florida, DHS may direct funds to regional task forces or counties bypassing the local first responders.
4. The most efficient means of carrying out the intent of Congress to get the funds directly and expeditiously into the hands of local first responders and agencies is best met through direct grant application submitted electronically to DHS followed by the peer review process. The peer review team may include industry experts and peer agencies. Overall, this methodology works effectively for distribution of funds under the FIRE Act Grant, and includes an unbiased evaluation as it minimizes political involvement, uses professionals who have experience in the equipment and programs, and requires industry participation in the selection and award process.

Contacts

William K. Northcutt

Russ Blackburn, City Manager

City of Gainesville

2007 Legislative Statement

Encourage a Mix of Incomes in Florida Housing Finance Corporation Programs

Position

The City of Gainesville supports efforts to encourage a mix of incomes in housing developments that are assisted by programs that are administered by the Florida Housing Finance Corporation.

Key Points

1. The Florida Housing Finance Corporation (FHFC) administers a variety of housing programs that benefit tenants and homeowners throughout the State.
2. Although many FHFC programs currently allow for a mix of incomes in program beneficiaries, those projects that have a higher percentage of low- and very low-income beneficiaries tend to score higher and are thus awarded funding and/or tax credits by the FHFC.
3. The City supports efforts on the part of the Florida Housing Finance Corporation to change its criteria to promote a greater mix of incomes through the competitive scoring of FHFC project proposals.

Contacts

Russ Blackburn, City Manager

Tom Saunders, Community Development Director

City of Gainesville

2007 Legislative Statement

Amend Regulations Governing Use of Student Fees by Community Colleges

Position

The City of Gainesville supports Santa Fe Community College's request to amend the regulations governing the use of Community College student fees to permit their use in support of transit service.

Key Points

1. The State of Florida Community College system regulations governing the allowable use of student fees currently do not permit their usage for transit services.
2. The City supports Santa Fe Community College's desire that the regulations be amended so that student fees assessed at its campus may be dedicated to transit services.

Contact

Russ Blackburn, City Manager

City of Gainesville

2007 Legislative Statement

Use of Cameras for Enforcement of Red Light Violations

Position

The City supports legislative initiatives allowing the use of cameras for enforcement of red light violations. The Legislature is asked to amend Florida Statutes to allow enforcement by citation for violations of red lights identified from photographs produced by certified cameras.

Key Points

1. Though unpopular with segments of the public, studies have consistently shown that in those areas where their use has been allowed, such as New York and Maryland, the number of crashes at those intersections have dramatically decreased - in some cases by over 30%.
2. Red light violation cameras as a tool for the prevention of accidents on Florida's roadways would increase the safety of all the traveling public.
3. Current State law allows the use of red light cameras, however limits enforcement to only a warning. A change to the legislation to allow enforcement by citation is desired.

Contacts

Norm Botsford, Police Chief
Russ Blackburn, City Manager

City of Gainesville

2007 Legislative Statement

Operations of Radios or Other Mechanical Sound-Making Devices or Instruments in Vehicles: Loud Car Stereos “Boom Box Initiative”

Position

The City of Gainesville supports an amendment to Chapter 316.3045 FSS to enhance penalties for repeat loud car stereo violations. It is currently unlawful for any person occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, or other mechanical sound-making device or instrument from within the motor vehicle so that the sound is plainly audible at a distance of 25 feet or more from the motor vehicle.

Key Points

1. Noise violations, specifically loud car stereo violations, continue to be an ongoing complaint of residents both in neighborhoods and adjacent to roadways. Surveys of residents have consistently indicated that noise emanating from vehicles is one of their top three concerns. This issue is consistent within virtually every neighborhood in the City of Gainesville.
2. The existing statute has no enhancement for repeat violators. The violation is currently a non-moving traffic violation incurring a fine (e.g. In Alachua County, a violation of 316.3045 results in a fine of \$77.50) and no points; irrespective of how many times the same individual is cited.
3. A recommended fine schedule and enhanced penalties could be patterned after Chapter 318.18, F.S.:
 - The first offense for a violation of Section 316.3045 would result in the same fine currently imposed.
 - The second violation to the same violator within a period of a calendar year would result in the fine being doubled.
 - The third offense for the same violation to the same violator within a period of a calendar year would result in suspension of the

driver's license of the violator for not less than 90 days, and not more than 6 months, and a fine that is triple the original fine.

4. Loud car stereos negatively impact the quality of life not only in Gainesville, but also throughout the State. This is a complaint heard in other jurisdictions. Specific to Gainesville, this is a citizen-based initiative with widespread support amongst citizen District Councils, neighborhood crime watches, homeowner and business associations, and community organizations such as the Black on Black Crime Task Force.

Contacts

Marion J. Radson, City Attorney

Russ Blackburn, City Manager

City of Gainesville

2007 Legislative Statement

Continue Funding for Affordable Housing (William E. Sadowski Act)

Position

The City of Gainesville opposes any reduction in funding for affordable housing and supports the use of documentary stamp collections to increase funding distributed to cities and counties in accordance with the William E. Sadowski Affordable Housing Act.

Key Points

1. The City is a staunch supporter of affordable housing, as it benefits our less fortunate citizens and our local businesses that build and provide such housing.
2. In 1992, the documentary stamp tax was increased to provide affordable housing as set forth in the William E. Sadowski Act. However, this funding was subsequently reduced and capped which negatively impacted affordable housing throughout the state.
3. The State of Florida's Sadowski Act's affordable housing program is nationally recognized.

Contact

Thomas Saunders, Community Development Director

City of Gainesville

2007 Legislative Statement

Support for Community Redevelopment Agencies

Position

The City supports legislation that preserves the home rule powers of municipalities to create and effectively use Community Redevelopment Agencies (CRAs) to redevelop and revitalize their urban area, including the use of tax increment funding. The City supports local control and disposition of any disputes between local government over CRA's and their financing.

Key Points

1. Several cities and counties in the State are struggling with internal issues, and rather than handling them locally the counties are seeking statewide legislation to address their issues.
2. Applying the South Florida, large city solutions to every CRA in the State limits the smaller cities' ability to address its own issues in its own fashion.
3. The Florida Redevelopment Association and the Florida League of Cities support the position stated above.

Contacts

Russ Blackburn, City Manager

City of Gainesville

2007 Legislative Statement

Front Porch Florida Program

Position

The City of Gainesville supports continued funding for Front Porch Florida Communities.

Key Points

1. The Front Porch Florida Program is a significant component of the State's urban initiative, designed to involve neighborhood residents in the decision-making process on issues affecting their communities. Like the Front Porch Florida Program, Gainesville has had considerable success through its neighborhood planning program and other coalition-building efforts to involve neighborhood residents in deciding neighborhood level improvements.
2. As a result of neighborhood resident involvement and collaboration among local government and community-based organizations, the Duval Neighborhood was designated by the Governor as a "Front Porch Florida Community" in 2001.
3. In the Duval Neighborhood, as well as in other Front Porch Florida Communities across the state, there is a demonstrated need for additional resources to address critical neighborhood needs. Those needs range from public infrastructure improvements (streets, sidewalks, storm drainage, etc.) to recreational facilities, code enforcement, and improved housing. In recent years, for example, the City has embarked upon the development of a neighborhood stormwater park in the Duval Neighborhood that could not have proceeded as well as it has without resources that the community has been able to access through the Front Porch Florida Program.

Contacts

Russ Blackburn, City Manager

Tom Saunders, Community Development Director

City of Gainesville

2007 Legislative Statement

Growing the Innovative Economy through provision of Early Stage Capital

In order to more fully diversify the local and state economies, Florida needs to provide the resources necessary to move innovation to the marketplace through Florida created companies. The venture capital industry typically participates in this process through later stage investments in viable companies and expects a clear exist strategy. Furthermore, the venture capital industry is primarily located in a number of geographic regions outside the State of Florida. By providing a mechanism for generating early stage capital for Florida innovations, the Legislature can assist in addressing the gap currently faced by the State's, and Gainesville's, entrepreneurial community.

A first step in this effort was taken in the 2006 Legislative session with introduction of HB 1467, the Florida Capital Formation Act. Under the Act, an Opportunity Fund would be established through provision of a General Revenue Fund allocation and would be managed by Enterprise Florida. The Fund would subsequently raise additional capital from investors and lenders based upon a guarantee and return on investment. The Fund would in turn invest in a portfolio of venture capital funds to provide early stage investments to Florida's early stage innovative companies.

HB 1467 is representative of a mechanism that could be established by the Florida State Legislature for the purpose of growing the innovative economy through provision of early stage capital.

Contact: Erik Bredfeldt, Economic Development Director

City of Gainesville

2007 Legislative Statement

10-Year Plan to End Homelessness

Position

The City of Gainesville supports a request by Alachua County for \$4 million in State funding to implement a comprehensive, multi-year plan to combat homelessness in Gainesville and Alachua County.

Key Points

1. In 2005, the City of Gainesville and Alachua County collaborated in the completion of a 10-Year Plan to End Homelessness. The Plan has been adopted by both governing bodies as the blueprint for addressing the serious problem of homelessness over the next several years.

2. The City, County and other community-based nonprofit entities propose to implement the Plan by way of various programs, projects, and services, including health care, mental health care, housing, social services, drug and alcohol treatment, vocational training, job placement, court services, and institutional discharge planning and coordination.

3. Expected outcomes of the proposed project include: 1) preventing homelessness among individuals and families who are headed toward that end; 2) intervening with homeless individuals to make certain that their experiences are short, temporary and unrepeated; and 3) treating chronically homeless persons through a comprehensive case management approach by providing the supportive services needed to attain self sufficiency and permanent housing.

Contacts

Russ Blackburn, City Manager

Tom Saunders, Community Development Director

City of Gainesville

2007 Legislative Statement

Collection of Stormwater Utility Fees from State Agencies

Position

The City of Gainesville supports amendments to Chapters 180 and/or 403, Florida Statutes, to allow local governments to collect unpaid municipal stormwater utility fees incurred by the State, its agencies, and subdivisions.

Key Points

1. In 1986, the Florida legislature, aware of the importance of managing and treating the state's stormwater, enacted sections 403.0891 through 403.0896 of the Florida Statutes as part of the Florida Air and Water Pollution Control Act. These sections mandated that local governments establish stormwater management programs and include these programs in their local comprehensive plans. Recognizing that local governments would need a funding mechanism for the state mandated stormwater plans and programs, the legislature provided for three funding sources in addition to those already available to local governments. Section 403.0893, Fla. Stat. Among the available funding sources was the authorization to create "stormwater utilities" and charge "stormwater utility fees" to fund the stormwater management systems. Section 403.0893(1), Fla. Stat.

2. The Florida Supreme Court has provided that, "[i]f the stormwater fee is a user fee, the fee is valid and the State and DOT, as beneficiaries of the system, can be charged." City of Gainesville, Florida v. State of Florida, et al., 863 So.2d 138, 144 (Fla. 2003). The unresolved issue, though, is how state agencies can be made to pay the appropriate fees charged.

3. Section 180.13(2), Fla. Stat., allows a municipality to sue to collect unpaid utility fees from, "each person ... whose premises are served," by the utility. Previously, the 1st DCA considered a state agency, the Florida Department of Transportation, to be a "person" for purposes of section 180.13(2), Fla. Stat. City of Gainesville, Florida v. State of Florida

Department of Transportation, 778 So.2d 519, 529 (Fla. 1st DCA 2001). However, recently the 1st DCA ruled that, “chapter 180 has a very specific listing of the municipal services included within its scope. One municipal service not included within that list is stormwater runoff.” City of Gainesville, Florida v. State of Florida Department of Transportation, 920 So. 2d 53, 54 (Fla. 1st DCA 2005). In sum, the 1st DCA concluded that, “chapter 180 does not provide a waiver of sovereign immunity for utilities authorized pursuant to chapter 403.” Id. The Florida Supreme Court declined to review the 1st DCA’s decision.

4. Currently, a state agency may use a municipality’s stormwater utility system, refuse to enter into a written contract with the municipality for those services, refuse to unhook from the system, and then claim sovereign immunity to prevent paying its fair share for the costs of disposing of its stormwater runoff.

5. A legislative waiver of sovereign immunity must be clear and unequivocal. A limited waiver that would allow local governments to collect unpaid municipal stormwater utility fees from state agencies, through the filing of lawsuits if necessary, is essential to carry out the full intent of the Florida Air and Water Pollution Control Act.

Contacts

Marion J. Radson, City Attorney
Daniel M. Nee, Assistant Litigation Attorney

City of Gainesville

2007 Legislative Statement

Public Records Exemption for City and County Prosecutors Enforcing Code Violations

Position

The City of Gainesville supports an amendment to §119.07, Fla. Stat., to create a public records exemption for personal identifying information of city and county prosecutors who are responsible for civil and criminal prosecution of local code and ordinance violations, and their spouses and children.

Key Points

1. City and county prosecutors are responsible for enforcing local codes and ordinances in both civil and criminal proceedings.
2. Some of these city and county prosecutors have received threats to their own life, health or safety, or that of a family member.
3. The potential for such threats may increase due to the recent adoption by a number of local governments of codes and ordinances prohibiting sex offenders and/or sexual predators from living in close proximity to schools, parks, playgrounds and other areas frequented by children.
4. Section 119.07, Fla. Stat., already contains public records exemptions for state and federal prosecutors, as well as local government code enforcement officers.
5. Creating a public records exemption for county and municipal prosecutors and their families would protect information of a sensitive personal nature that, if released, would jeopardize the safety of these individuals. However, because only personal identifying information about these individuals and their families would be confidential, the exemption would be no broader than necessary to accomplish this stated purpose.

Contacts:

Marion J. Radson, City Attorney

City of Gainesville

2007 Legislative Statement

Beer Keg Registration

Position

The City of Gainesville supports an amendment to Chapter 563, Florida Statutes, to require the registration of kegs containing malt beverages for consumption off licensed premises.

Key Points

1. The University of Florida Enforcement Subcommittee Community Alcohol Coalition recommends that retail dealers selling kegs require each keg purchaser to present proper identification at the time of purchase. The licensee would also record for each keg sale, the date of sale, the size of keg, the keg identification number and other pertinent information.
2. Several states have laws that require keg registration, including California, Georgia, New York and Oregon.
3. Under Florida law, local governments do not have the authority to adopt ordinances to require keg registration.
4. Under Florida law, the division of alcoholic beverages and tobacco has generalized authority over alcohol, and the division takes the position that they do not have the legal authority to require keg registration.
5. Keg registration is not intended to penalize the beer industry or retailers. Keg registration would enable the state and local police agencies to hold adults, who purchase kegs under their name, responsible for those to whom alcohol is offered, including underage people. This policy does not target wholesalers or retailers. By supporting keg registration, the industry becomes part of the solution to the underage drinking problem.

Contacts

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City of Gainesville

2007 Legislative Statement

Prohibiting Pricing and Marketing of Alcoholic Beverages

Position

The City supports an amendment to Chapter 562 FSS to curtail binge drinking. The legislature is asked to include language in Chapter 562 of the State Statutes which prohibits the promotion, pricing and marketing of alcoholic beverages in ways which tend to encourage excessive and/or uncontrollable consumption of liquor resulting in increased risk to consumers and the general public, or authorize municipalities to regulate the marketing and advertising of drink specials in all establishments that serve alcoholic beverages.

Key Points

1. In 2005, the University of Florida's Community Alcohol Committee approached the City to support legislation that would regulate irresponsible drink specials. Currently, municipalities have no legal control over advertising or marketing of alcoholic beverages.
2. This legislation would prohibit games or contests on the licensed premises that involve drinking alcoholic beverages or the awarding of alcoholic beverages as prizes. A licensee or agent or employee would be prohibited from advertising or promoting in any way, either on or off the premises, a practice that is prohibited as above.
3. A municipality or county would only be authorized to regulate the promotion, pricing and marketing of drink specials of a licensed alcoholic beverage establishment if there are two or more convictions for violations of Chapter 562, F.S. within a six month period.

Contacts

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