

**ALACHUA COUNTY, FLORIDA**

**FY 2012 DRAFT STATE LEGISLATIVE  
PROGRAM**



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**ALACHUA  
COUNTY  
POLICY  
ISSUES**



# Springs Protection

**SUPPORT/SPONSOR** reintroduction of the Florida Springs Protection Act.

## Issue – Springs Protection

*During 2002 and 2003 a working group of local citizens formed an action team to study the relationship between existing regulatory programs and the status of Florida's springs. The action team drew two major conclusions:*

- 1) There currently exists no "top-down" law that specifically states the uniqueness of Florida's springs and the fact that they need special protection, and*
- 2) There are existing gaps in existing legislation and regulatory practices which result in inconsistent protection. These gaps appear to result from the fact that water quality regulation is generally based on surface water protection concepts that do not always provide for adequate protection for springs.*

*The proposed legislation originates from a sense of deep concern about Florida's unique and vulnerable springs that is much broader than just Alachua and Marion Counties. It focuses on the protection of water quality (rather than flow standards) in springs. Improvements in springs protection for the Floridian Aquifer is critical as this is the predominant source of public drinking water in much of the state. The legislation, as proposed, is the result of approximately one year of collaboration between the University Of Florida Levin Law School Conservation Clinic and the Silver Springs Working Group.*

# State Funding For Homeless Assistance Programs

**SUPPORT** continued and enhanced state funding for Homeless Assistance Programs including grants programs and funding for Local Homeless Coalitions.

## Issue – Homeless Assistance

*Homelessness in Florida continues to grow. According to the Florida Department of Children and Families, in 2010 an estimated 57,650 men, women and children were homeless in this state on a daily basis. The total number of homeless people was up by approximately 1% from the 2009 count. Local homeless coalitions expect the number of homeless to increase based on demands for services and other housing and economic trends, including:*

- *The downturn in the national economy;*
- *Florida's growing number of filings for foreclosure;*
- *Increasing numbers of applicants for cash assistance, food stamps, and other benefits;*
- *Rise in demand for local food and feeding programs; and*
- *Declining revenues for local and state government human services and housing programs.*

*Current levels of funding for homeless programs constitutes less than 1/1000<sup>th</sup> of one percent of the State budget, yet these programs effectively serve tens of thousands of Floridians who fall into homelessness each year. State funding for homeless programs directly reduces the strain on other publicly-funded systems, including the child welfare system, the correctional system and the community mental health system. Each dollar of State funding appropriated for homeless programs allows, at least, four dollars of federal homeless funds to flow to Florida.*

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# Non-Ad Valorem Assessment Deadlines

**SUPPORT** legislation that gives counties the option of using the “Truth in Millage” (TRIM) deadlines as the non-ad valorem assessment deadlines.

## Issue- Non-Ad Valorem Assessments

*Alachua County uses the uniform method (Chapter 197, Florida Statutes) for the levy, collection and enforcement of non-ad valorem assessments. In Alachua County, the non-ad valorem assessment database resides within the Property Appraiser’s database. Notice of the public hearing for non-ad valorem assessments is included with the Notice of Proposed Taxes (TRIM), which is mailed the middle of August. The notice requirement for the uniform method and the timing of the TRIM notice are virtually incompatible.*

*Compliance with current statutory deadlines for the uniform method, as well as with the ad valorem tax deadlines, causes time constraints. The window of time for the public hearing (to adopt and certify the roll) is less than one week. As there is no statutory provision for extending the deadlines for the uniform method, there is a possibility that adoption and certification of a non-ad valorem assessment will miss the statutory deadline. Florida Statutes do not allow local governments the option of using TRIM deadlines for non-ad Valorem assessments as an alternative to the uniform method time deadlines outlined in Chapter 197.*

# Florida Forever and Conservation Trust Funds

**SUPPORT** the continuation of the Florida Forever land acquisition program, to the extent the program is sufficient to acquire land for the protection of natural resources and green spaces. Support continuation of a dedicated state funding source which provides local match funding for local land acquisition. **OPPOSE** any efforts to undermine local government zoning authority. **SUPPORT** legislation that provides future state funding for the maintenance and management of conservation lands transferred to county control. **SUPPORT** legislation that provides for improved management of state lands and public access to those lands. **SUPPORT** legislation that requires the State to share title with local governments if lands are jointly acquired.

## Issue – Florida Forever and Conservation Trust Funds

*Beginning in 1990, twelve successive legislatures and three governors pledged to fund \$3 billion worth of land preservation projects that protect water resources, wilderness lands and open space. In 1998, 72% of voters approved a constitutional amendment to authorize the new conservation bond program, Florida Forever. The 1999 Legislature responded by pledging to spend an additional \$3 billion on land conservation when it passed Florida Forever in 1999, with the intention to fund the Florida Forever Program for 10 years and to do so in a fiscally responsible manner.*

*In January 2006, the Florida Forever Coalition released two reports detailing a total need of over \$19 billion to bring Florida's parks and recreational facilities, wildlife and wilderness protected areas, and other public-benefit open space to a level necessary for the state's 18 million people. Specifically, the two reports are:*

*"Florida Parks in the 21st Century: A Sound Investment for a Growing State," co-produced by The Trust for Public Land, Florida Recreation and Park Association, and the Florida League of Cities, found that about \$9 billion is necessary to create and improve parks and recreational facilities sufficient for Florida's surging population.*

*"Protecting Wild Florida: Preserving the Best and Last Wilderness of Florida, Forever," produced by The Nature Conservancy, determined that \$10 billion is needed to protect threatened and endangered plants, animals, wildlife habitat, clean water, and other ecosystem functions across Florida to keep our state functioning as voters wish.*

# Wetland Protection and Mitigation Banking

**OPPOSE** legislation that would eliminate the wetlands cumulative impact consideration. **SUPPORT** legislation that requires effective functional mitigation as close as possible to area where wetlands impacts occur. **OPPOSE** legislation that facilitates the transfer of mitigation outside county boundaries or makes it more difficult to retain mitigation within a county when adequate mitigation opportunities are available within the county.

## Affordable Housing Funding

**SUPPORT** restoring the full amount of dedicated documentary stamp tax revenues towards state and local affordable housing projects.

### Issue – Affordable Housing Funding

*The economic slowdown of the past several years has negatively impacted state and local revenues as well as real estate transactions. This situation has impacted funding coming into Florida's two housing trust funds. At this point in time, housing trust fund revenues are not projected to be back up to the trust fund cap level of \$243 million until Fiscal Year 2013 -14. Also, during recent legislative sessions, the State Legislature has continued to sweep most of the funds coming into the trust funds to assist in addressing the state's budget deficit. It is unclear how much longer this may occur as overall state revenues are projected to remain lower through next year and Sadowski Act programs funded with documentary stamp tax revenues are projected to rebuild slowly over the next several years.*

## Local Option Gas Tax Indexing

**Local Option Gas Taxes:** **SUPPORT** legislation giving counties the authority to index their local option gas taxes to annual changes in the consumer price index (CPI) which is consistent with how state gas taxes are currently indexed.

# Energy Conservation Strategies

*Local governments are increasingly taking a leadership role in response to growing concern about rising fuel costs, climate change and the need for more aggressive local actions to reduce greenhouse gas emissions. With well over a decade of leadership on this, at their March 27, 2007 meeting the Alachua County Board of County Commissioners stated that [they] “want to do their part to reduce or mitigate the effects of Global Climate Change and promote the long-term economic security of [our] citizens through the implementation of policies that enhance energy efficiency.” To this end, the Board created a citizen’s advisory group titled the Alachua County Energy Conservation Strategies Commission (ECSC). The ECSC completed its assignment on December 2, 2008 with the presentation of a comprehensive report which contained both short and long-term energy conservation strategy recommendations for local, state and federal government. The following pertain to those energy conservation strategy recommendations at the statewide level.*

**SUPPORT** Federal Resolution HR 2599 which will resolve the federal impasse on the implementation and funding of Florida’s Property Assessed Clean Energy (PACE) financing programs. In 2010, the Florida Legislature passed the PACE legislation allowing local governments to enact voluntary property assessments for weatherization and other energy efficiency measures.

*According to the US Department of Energy, for every \$1 million invested in weatherization, 52 jobs are created. Weatherization leads to local, green-collar jobs for large numbers on unemployed construction workers as well as youth employment opportunities.*

**SUPPORT** legislation that will allow for the creation of community employment opportunities and grow new local businesses (“relocalization”) around discarded and recyclable materials.

*According to estimates from the Institute for Local Self Reliance, a regional population base of 1 million people could support waste-to-reuse operations creating 1,500 jobs while generating \$250 million for the local economy. Potential funding sources include the Governor’s Energy Office and FDEP.*

**SUPPORT** legislation that will foster the development of a sustainable mobility infrastructure (focus on public transportation). Not primarily dependent on fossil fuel consumption.

*Potential funding source – FDOT.*

**SUPPORT** legislation that will allow for the maximization of local food production not dependent on fossil fuel based herbicides, pesticides and fertilizers.

*Potential funding source – FDA&CS*

**SUPPORT** legislation that will provide incentives to maximize local, renewable (non-fossil fuel based) energy production.

*For much of Florida, this translates to solar power. Per megawatt, solar panels have the potential to generate more jobs (15.2 in the manufacturing sector and 7.1 in the construction fields) than wind, geothermal or biofuel energy. Potential funding source – Renewable Portfolio Standards.*

# Pretrial Services

**SUPPORT** maintaining county ability to provide non-monetary and risk assessment pretrial release services that ensure the safety and welfare of local communities. **OPPOSE** legislation limiting the discretion of the first appearance judge, requiring written reports and eliminating the presumption of release on non-monetary conditions. **SUPPORT** changing pretrial program reporting requirements as provided in s. 907.043, F.S., from weekly to monthly updates.

## Funding for Petroleum Cleanup and Storage Tank Compliance

**SUPPORT** full state funding for local government contracts that implement the state petroleum cleanup program and for the storage tank compliance verification program.

### Issue – Petroleum Cleanup and Storage Tank Compliance

*Currently, local counties are contracted by the state to perform necessary oversight and monitoring activities to bring a petroleum contamination cleanup site to closure. There are 14 contracts with local governments covering 20 counties. The counties currently manage approximately 1,387 state funded active cleanup sites. In addition, the counties manage 1,534 sites that are being cleaned up by private parties that would otherwise be managed by FDEP District Office staff. A recent proposal by FDEP would reduce this \$7 million program by \$2.1 million and would eliminate funding to seven counties including Alachua. This reduction would result in multiple staff terminations at the county level (estimated to be 35 positions state-wide) as well as a reduced level of service throughout the state of this program critical to the prevention of the contamination of ground water. Also, another recent proposal by FDEP would cut an additional \$2.5 million from the separate \$7 million Storage Tank Compliance Verification Program also resulting in local government job cuts and reduced levels of services.*



# **APPENDIX**

## **Florida Association of Counties Legislative Program Guiding Principles**

# **Florida Association of Counties Guiding Principles**

*Alachua County is a member of the Florida Association of Counties (FAC). Representatives of the Alachua County Board of County Commissioners participate in the FAC legislative policy setting process and the Board generally supports the policy positions of FAC. Throughout the Legislative Session, Alachua County representatives will communicate our position on specific legislation and our concurrence or difference with the FAC position. Fundamentally, as a Charter County, Alachua County supports the Home Rule authority of local governments.*

The Alachua County Board of County Commissioners endorses the following FAC Legislative Program Guiding Principles.

## **HOME RULE**

County officials are dedicated to the preservation of democratic principles, specifically that the government closest to the people is the appropriate authority to serve the needs and requirements of the community. Home rule is the right of the people to determine and implement a public purpose at the grassroots level. Home rule power is conferred to Florida counties by Article VIII, Sections 1(f) and 1(g) of the Florida Constitution (1968), and by Section 125.01, Florida Statutes. The preservation of this fundamental democratic concept is essential to the operation of county governments in Florida. Accordingly, the Florida Association of Counties is dedicated to maintaining the integrity of county home rule power, both administrative and fiscal, which allows counties to develop and implement community-based solutions to local problems.

## **UNFUNDED MANDATES**

A state directive that compels local governments to provide a service, program, or benefit without providing the appropriate monies or a funding source is regarded as an unfunded mandate. County officials recognize that some state-funded mandates are justified because they achieve agreed upon statewide policy goals. However, many, if not most, mandates on counties are imposed without the consensus of local governments or the resources for implementation. Mandates drain the financial lifeblood from county governments and impede their ability to adequately deliver the fundamental services required by law. Mandates also compromise a county's ability to provide discretionary services requested by the local community. Thus, the Florida Association of Counties opposes any state or federal actions that limit the ability of local elected officials to make fiscal and public policy decisions for the citizens they represent. Furthermore, counties support the establishment of an agreed upon course of action whereby state and county elected officials deliberatively evaluate the appropriate funding and delivery of intergovernmental service responsibilities between counties and the state.

## **COMMUNITY & ECONOMIC DEVELOPMENT**

The strength and vitality of local and state economies are built upon the foundation of infrastructure and services provided by county government. Furthermore, our economic prosperity rests on the stability of community leadership and the tools that are made available to county officials. Lastly, our community's quality of life requires even more cooperation and teamwork between public and private sectors. Therefore, counties need flexible tools to develop economic strategies that target local strengths, enhance and expand employment opportunities, and maintain adequate infrastructure. While economic development occurs primarily at a local and regional level, it is imperative that the state assists local communities by providing its resources through incentives, marketing and technical assistance. Accordingly, incentives at the state and local level should be based on need and provide for a return on public investments.

## **REVENUE FLEXIBILITY**

The ad valorem tax is authorized to Florida counties by Article VII, of the Florida Constitution, and implemented by general law. Within limitations, the Constitution authorizes counties to levy up to 10 mills on all taxable property for county purposes. This tax is the primary revenue source for the operation of county government. However, the revenue generated by this tax has not kept pace with the demands and requirements of modern government in a rapidly growing state. As a result, counties have to resort to other tax and non-tax revenue sources to meet their demands. The Florida Association of Counties is dedicated to protecting the integrity and fairness of the ad valorem taxing authority, as well as that of the other locally imposed revenue sources. Also, FAC encourages the creation or enhancement of alternative public financing mechanisms to meet the ever-increasing demands on county government service delivery.

## **GROWTH MANAGEMENT & ENVIRONMENTAL PROTECTION**

The impact of growth and development in Florida during the last 30 years has brought significant benefits and costs to county government. Given Florida's substantial growth during this period, the Florida Association of Counties supports a comprehensive planning framework with state oversight, regional coordination, and minimum local requirements. At the same time, this planning framework must recognize that many local land use decisions result in little to no impact on state and regional interests. Furthermore, because Florida's communities are remarkably diverse, this planning framework must also allow maximum flexibility to Florida's counties to address unique local concerns and conditions. Thus, to the greatest extent possible, the state's comprehensive planning framework must defer to local decision-making and include an incentive-based approach to better growth management.

The Florida Association of Counties supports the right of county officials to responsibly perform their planning, police power, and other functions to address local issues at the local level. County officials must have the ability to make reasonable decisions for the advancement of the local community on zoning, comprehensive planning, and infrastructure issues without being subjected to prohibitive claims for damages for infringement on private property rights. Additionally, and consistent with counties' home rule powers, county officials must have the latitude to develop and impose revenue sources that allow growth to pay its fair share.

Conservation and protection of our natural resources is critical to managing growth, promoting economic development, and maintaining a healthy environment to ensure a high quality of life for county citizens. Accordingly, and in keeping with home rule authority, the Florida Association of Counties supports the right to adopt local environmental regulations to protect a community's unique natural resources.

Finally, increased demands on Florida's water supply are forcing many diverse interests to work with county government to plan the future of water policy in Florida. In an effort to achieve the best possible result, county government should continue to expand partnerships with the agricultural community, urban water users, regional government agencies, and environmental organizations to encourage water conservation, water resource, and water supply development projects. The primary goal of such water resource planning efforts should be ensuring resource availability for all reasonable beneficial uses, consistent with the protection of water and related natural resources.

## **FINANCE & TAXATION**

The backbone of good government is financial accountability. For public officials to be accountable to taxpayers, the decision to tax should occur at the same level of government where the decision to enact a new program is made. County governments have a responsibility to raise the necessary revenues to finance a wide variety of critical, basic public services. Counties need a revenue base that adequately finances the services and programs required by the state, and the programs and services needed locally. If counties are to succeed in meeting their responsibilities, an adequate and fair local tax policy that is commensurate with the many responsibilities of modern county government must be developed.

## **HUMAN SERVICES**

County officials recognize the importance of adequately providing for quality human services to protect and assist citizens in need. Counties have demonstrated this commitment by providing preventive services, medical assistance, social and aging services, and housing assistance. While most human service programs and the laws that govern these programs are established by federal and state governments, many of these services are being provided through community-based services at the local level.

As a critical link in the federal/state/county human services partnership, counties must be included in formulating and implementing policies that protect the health, safety, and welfare of all the citizens of the state; allow for flexibility within communities to achieve the desired level of services based on local needs and priorities; and encourage the integration and coordination of human services.

Counties support expanding health care access and believe that efforts to refine and enhance state and local programs that provide access to affordable health care are essential. The Florida Association of Counties supports limiting county funds expended

under the Health Care Responsibility Act mandate for emergency room services as defined by law.

Additionally, emergency medical services (EMS) are a vital role of county government. The Florida Association of Counties supports county commissions maintaining authority to issue certificates of public convenience and necessity at the county level to ensure countywide uniformity of the EMS system.

In addressing critical social services needs related to child welfare and long-term care, the Florida Association of Counties strives to increase state funding for child protective and dependency case services and other state-related programs. Furthermore, counties need the capacity to define local systems of care and increase funding flexibility by removing budget categories so that monies can be directed locally to meet community needs.

The Florida Association of Counties supports enhancing the state funding for elder and long-term care services and directing existing funding from institutional care to community-based care programs such as Community Care for the Elderly, Home Care for the Elderly, Medicaid Waiver, Alzheimer's Disease Initiative, Senior Centers and the Assisted Living Waiver programs, respectively.

Availability of services and funding in the area of behavioral health are also important to our county officials. The Florida Association of Counties supports the establishment of integrated systems of care for individuals with co-occurring behavioral and physical health problems in addition to efforts to enhance prevention and intervention services for children and families to divert children from the child welfare system. The Florida Association of Counties believes that developing a comprehensive services act of mandatory planning, development, funding, implementation and evaluation of mental health and substance abuse services for elder Floridians is also necessary to ensure continuity of care.

Given the varying capacity and funding capabilities of counties, the Florida Association of Counties supports adequate federal and state funding to ensure uniformity in the human services continuum.

## **PUBLIC SAFETY & SECURITY**

Protecting the health, safety, and welfare of the citizenry are of paramount importance to county officials. County governments have a long tradition of ensuring the public's safety and security through operating county emergency management centers, providing fire and rescue services, and assisting in funding the state's court system, sheriffs' offices, juvenile programs, victims' assistance, and the jail system in each county.

Florida's citizens and visitors look to county government as the first line of defense to ensure their communities are safe and protected in times of natural and man-made disasters, terrorism, emergencies, and public health threats. It is imperative for state policy to maintain county government control of emergency management systems during such emergencies and public health threats. It is equally important that, as Florida's population

continues to grow, that the state provide a dedicated funding source for hurricane shelter space.

It is only through a county partnership with the other levels of government that a full-scale comprehensive and coordinated approach may be taken to address crime and public safety problems. It is of utmost importance to maintain and seek out open lines of communication between all parties involved to ensure the public's safety and security. Adequate resources must be in place so counties are in the strongest position to protect their communities. Increased funding for security enhancements are needed to support measures which include, but are not limited to, airports, seaports, public buildings, public health infrastructure, and preparedness training for emergency personnel. Increased federal and state funding is essential to ensure that effective public safety systems are provided throughout Florida.

Since 1972, statutory changes and case law have expanded county court-funding responsibilities to include an ever-increasing multitude of costs. Those costs include providing office space for judges, public defenders, and state attorneys, expert witness fees, court appointed counsel costs, and many other related expenditures. Accordingly, the Constitutional Revision Commission proposed Revision 7 to require the State of Florida to fund a larger portion of the state court system, allowing counties to more ably meet local needs. That constitutional revision was approved by the Florida voters in 1998.

Since 1998, the Florida Legislature has been implementing the constitutional revision, having completed that initial process on July 1, 2004. Some elements of the state court system have remained a county responsibility. For some of those responsibilities, the Legislature has provided some revenue sources but these sources are grossly inadequate. The revenue from ad valorem taxes still funds a significant portion of the county's mandated share of the operation of the state court system.

The counties' long-held policy is that funding of the state court system is the responsibility of the state. County funding of the state's courts causes ad valorem taxes, intended to fund programs truly local in nature, to be used for state programs over which counties have no control or accountability. Accordingly, the Florida Association of Counties opposes the use of local revenue sources to fund the state's judicial responsibilities and supports the continued implementation of Article V, Section 14 of the Florida Constitution, its language and intent, which provides for a more equitable manner of court funding.