

Meeting Date
<b>September 3, 2015</b>



ADD ON /Revision

AGENDA	
Section	New Business
Item No.	V.A

**AGENDA REPORT**

*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

SUBJECT:	Brevard County 2016 Legislative Program
DEPT/OFFICE:	County Manager's Office

Requested Action:

It is requested that the Board of County Commissioners approve the 2016 Legislative Program and identify priorities for the September 23, 2015 Legislative Delegation meeting.

Summary Explanation & Background:

The Board of County Commissioners is asked to review the legislative items that staff and related Space Coast Agencies are highlighting for the State Legislature's 2016 session. The items the Board support make up the core of those issues that our legislative team will be asked to pursue.

The Legislative Package remains primarily unchanged from last fiscal year with the exception of the following items: New Proposals are highlighted in green.

- At its regular meeting on 9/3/2014 the Board of County Commissioners approved a proposal to revise the language of F.S.348.753(3) to request the Governing Body of the Central Florida Expressway Authority (CFEA) include/appoint a member from Brevard County. The Beachline covers 17 miles in Brevard County.
- Public Works New Proposal
- Library Services Proposals
- Parks and Recreation revised Proposals
- Space Coast Transportation Planning Organization
- Tourism Development Proposals
- Career Source Brevard revised Proposals.
- Housing and Human Services Proposals

The Departments and related agencies that have submitted items include County Attorney's Office, Central Services, Emergency Management, Housing and Human Services, Library Services, Natural Resources, Parks and Recreation, Public Works, Planning and Development; Tourism Development, Space Coast TPO, Utility Services; CareerSource, Inc.. Their detailed requests are attached. The Board is requested to approve the 2016 Legislative Program and to identify their top priorities for the upcoming session. Staff is recommending that the Board consider the following priority areas:

- I. Unfunded Mandates
- II. Establish process for state, county, and municipal elected officials to evaluate appropriate funding and delivery of intergovernmental service responsibilities between counties and the state.
- III. Tourist Development Tax
- IV. Emergency Operations Center
- V. County Infrastructure

The Brevard Legislative Delegation has asked that proposals be received by September 11, 2015.

Clerk to the Board Instructions:

Exhibits Attached: Proposed 2016 Legislative Program Summary;

Contract /Agreement (If attached): Reviewed by County Attorney    Yes     No     PR

County Manager	Assistant County Manager, Frank Abbate	Department Director / Extension
Stockton Whitten	Assistant County Manager, Venetta Valdengo	



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September 4, 2015

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item V.A., Brevard County 2016 Legislative Program

The Board of County Commissioners, in regular session on September 3, 2015, approved the 2016 Legislative Program and Identified Priorities for the September 23, 2015, Legislative Delegation meeting.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

**Brevard County Board of County Commissioners  
2016 Legislative Program Summary**

**Brevard County Policy Statements**

**Unfunded Mandates**

**SUPPORT** establishing a process for state, county, and municipal elected officials to collaboratively evaluate appropriate funding and delivery of intergovernmental service responsibilities between counties and the state.

**OPPOSE** any state actions that limit the ability of local elected officials to make fiscal and public policy decisions for the citizens they represent.

**Brevard County Initiatives:**

**Brevard County Tourist Development Tax**

**SUPPORT** legislation that would amend Tourist Development Tax law to eliminate automatic expiration of the entire Tourist Development Tax upon pay off of stadium bonds and termination of professional sports team stadium lease. *(County Attorney's Office)*

**Brevard County Emergency Operations Center (EOC)**

**SUPPORT** funding for new Brevard County EOC that supports emergency management activities that benefit the United States and the State of Florida through activation for every space launch at Cape Canaveral and Kennedy Space Center as well as support of NASA, military, and Port facilities. The facility should include a co-located communications center for law enforcement, fire and rescue dispatching to reduce the number of public safety answering points for 911 calls. *(Emergency Management)*

**Brevard County Infrastructure**

**SUPPORT** funding for the Transportation Planning Organization's highest priority projects--the St. John's Heritage Parkway, Ellis Road Improvements and A1A corridor improvements. *(Public Works)*

**BREVARD COUNTY DEPARTMENT ISSUES**

**Central Services Department**

**SUPPORT** funding of environmental cleanup of the 108-acre site of the former Brevard Correctional Institute, including removal of contaminated soil, underground fuel oil piping, storage tanks, lift stations, and all other post building demolition infrastructure; and delineation of underground contamination plumes. Work is estimated at \$4 million.

**Housing and Human Services:**

**Affordable Housing**

**SUPPORT** retaining the full amount of dedicated documentary stamp tax revenues within the State Housing Initiative Program (SHIP) towards state and local affordable housing programs.

**SUPPORT** full funding of the Weatherization Assistance Program (WAP) to assist low income homeowners with energy efficiency repairs and improvements to facilitate lower energy costs.

### Public Safety

**SUPPORT** the state taking shared responsibility for funding local, evidence-based reentry programs, where costs could be leveraged from a reduction in recidivism

### Department of Juvenile Justice

**SUPPORT** fully appropriating funds to reimburse the counties for credits for overpayments due to the State's erroneous calculations regarding previous payments for the juvenile detention cost share.

### Funding for Programs Supporting the Homeless

**SUPPORT** the re-appropriation of a \$1 million non-recurring increase in base operation funding for the State's 28 Local Homeless Continuum of Care Lead Agencies as recurring funding.

**SUPPORT** the continued funding of the Homeless Challenge Grant in order to meet emergency needs of the homeless and at risk individuals and families.

### Library Services:

**SUPPORT** legislation to eliminate the North Brevard Library District. The Board of County Commissioners will create a Titusville Library Advisory Board to replace it.

**SUPPORT** continued State Aide to Libraries. Brevard County Libraries received \$626,364 in State Aide in fiscal year 2014-2015.

**SUPPORT** continued Public Library Construction Grants.

### Natural Resources:

#### Indian River Lagoon Restoration and Stormwater Treatment

- **SUPPORT** measures that provide flexibility to county governments for crafting local solutions to water quality problems.
- **SUPPORT** the new Indian River Lagoon National Estuary Program Council.
- **SUPPORT** initiatives that **reduce** pollution sources, **remove** legacy loading, **restore** critical ecosystem functions and provide sound, applied **research** for the Indian River Lagoon.
- **SUPPORT** increased revenue allocation for environmental muck removal in the Indian River.
- **SUPPORT** revenue allocation for shellfish restoration to filter pollutants from the Indian River.
- **SUPPORT** increased revenue allocation to FDEP for Water Projects needed to meet federal water quality mandates, aka Total Maximum Daily Loads.
- **SUPPORT** increased revenue allocation to FDACS for Agricultural Best Management Practices targeting water quality improvements, especially to small farms and hobby farms not eligible for federal NRCS funding assistance.
- **SUPPORT** revenue allocation and county authority to reduce groundwater pollution.
- **SUPPORT** revenue allocation for voluntary upgrade of existing onsite sewage treatment systems to Performance based Advanced Wastewater systems or connection to centralized sewer.
- **SUPPORT** the lawsuit filed by the State of Florida against the new federal Waters of the U.S. (WOTUS) definition that will divert scarce funding for restoring important natural water bodies to improving water quality in manmade ditches.
- **OPPOSE** preemption of county authority to regulate the use and application of fertilizer.
- **OPPOSE** preemption of county authority to regulate water quality to achieve Total Maximum Daily Loads.

### Beach Erosion Control Funding

- **SUPPORT** increasing the state funding for beach renourishment from \$30 million annually to a dedicated amount sufficient to sustain Florida's beaches. Brevard County projects have submitted a Long Range request of \$7,163,117 of state funds for fiscal year 2016-2017.
- **SUPPORT** legislation that improves the project ranking criteria and process used to allocate state funding for beach renourishment projects.
- **SUPPORT** the position of the Florida Shore and Beach Preservation Association's Beach Watch program led by Debbie Flack. Brevard County is a Beach Watch member and participates in developing the Beach Watch positions and priorities.

### Petroleum Clean-up and Pollutant Storage Compliance Verification Program

- **SUPPORT** legislation that upholds state and local funding sources and statutory provisions to assist Local Governments in the following:
  - Petroleum Restoration Program, Chapter 62-780, F.A.C.
  - Pollutant Storage Tanks Compliance Verification Program, Chapter 62-761 and 762, F.A.C.
- **SUPPORT** Local Government Clean-up Contracting which provide services in a more efficient and cost effective manner as stated in the Office of Inspector General's internal audit.
- **SUPPORT** restoring funding to its previous level for locally contracted FDEP Storage Tank Compliance Verification Program (\$10 million) as defined in Section 376.3073 F.S.
- **OPPOSE** reduction of funding allocations to the Storage Tank Compliance Verification Program special category of the Inland Protection Trust Fund (IPTF).
- **OPPOSE** changing the routine compliance assurance inspections frequency from every two (2) years to every three (3) years.

### Waterways

- **SUPPORT** legislation which preserves public access to and along beaches and state water bodies and which preserves county regulatory authority.
- **SUPPORT** legislation intended to provide public waterway access, navigation rights, and advances mooring fields by allowing local authorities to adopt regulations to protect water quality for the health and welfare of local citizens when adequate anchorage is available.
- **SUPPORT** the development of legislation and initiatives that will simplify the requirements for maintenance dredging and muck removal for improved access and reduction of pollutant loads.
- **SUPPORT** revenue allocations to the Florida Boating Improvement Program by fully restoring program appropriations including revenue under section 206.606(1)(d), F.S., dedicating a portion of the revenues attributable to the sale of motor and diesel fuel at marinas.
- **SUPPORT** legislation that upholds state and local funding sources and statutory provisions to assist local governments in the following:
  - Maintain or expand state funding for derelict vessel removal.

- Maintain land acquisition funding for recreational and commercial waterfronts from the Land Acquisition Trust Fund and Stan Mayfield Working Waterfronts Grant Program.
- Provide for construction or maintenance of boating improvement projects, and vessel management initiatives.
- Devise an estimating method that more accurately reflects the fuel taxes paid by all vessels, including vessels on trailer fueled at upland stations. Local studies and data characterizing boater fueling practices should be incorporated into this methodology where available.

#### **Parks and Recreation:**

**SUPPORT** legislation that maintains or expands state funding for derelict vessel removal.

**SUPPORT** legislation that maintains or expands state funding for construction and maintenance of boating improvement projects.

**SUPPORT** legislative action which allows boards of county commissioners to lease horse stalls in county owned facilities without going through the competitive bidding process described in section 125.35(1)(a), Florida Statutes.

**SUPPORT** legislation that allows for the acquisition and management of conservation lands pursuant to Amendment 1.

#### **Planning & Development:**

**SUPPORT** for changing Ch. 468.609(2), F.S. to modify current standards for building code inspectors and plans examiners in order to qualify for taking examinations for certification. Florida Statutes currently require that an applicant “demonstrate 5 years combined experience in the field of constructions or related field, building code inspection or plan review corresponding to the certification category sought...”

The Statute should be amended to provide an additional option in lieu of the 5 year experience in the certification category sought for building code inspectors and plans examiners currently holding certification in at least one discipline to qualify for taking examination for additional certification(s) by requiring satisfactory completion of a building code inspector or plans examiner classroom training program course of not less than 200 hours in the certification category sought, except for one or two family dwelling certification which may be not less than 500 hours, as prescribed by the board. The board shall establish by rule criteria for the development and implementation of the classroom training programs courses.

#### **Public Works**

**OPPOSE** any state actions that would require local governments to pay the cost of utility relocations associated with work the local government performs in their own right-of-ways.

- Shifts costs of utility relocations from utility monopolies to the taxpayers;
- If approved, would induce litigious environment regarding costs;
- Would increase public expense associated with road maintenance and construction which is underfunded already;
- The increased costs to the public are only known by the Utilities. This, the budgetary impact of the proposal is unknown.

### **Brevard County Space and Technology Agenda**

#### **Space Florida Budget**

**SUPPORT** continued funding for business development and operations.

- \$7 million request; same level as funded 2015.

**SUPPORT** dedicated funding for business development to leverage private sector investment.

- \$6 million request.  
**SUPPORT** space tourism and marketing.
- \$1.5 million recurring request; second year for funding.  
**SUPPORT** research and development MOU with Israel.
- \$1 million recurring request; second year for funding.

### **Space Coast Transportation Planning Organization**

#### **Support Brevard County Road Project Priorities**

- **St. Johns Heritage Parkway System** - Continue local/state partnerships to identify funding for all segments of the parkway from the south I-95 Interchange to Ellis Road.
  - **Ellis Road Improvements** – Secure funding for construction of the Ellis Road interchange and for widening Ellis Road to four lanes. Pursue Strategic Intermodal System designation.
  - **A1A Corridor** – Implement improvements to the A1A corridor from Pineda Causeway to Port Canaveral as recommended in the FDOT feasibility study.
  - **SR 528** – Expand multimodal options on SR 528 including, but not limited to bicycle/pedestrian/recreation features and accommodations for increased freight.
- **Fund regional trails, including the Space Coast Loop** – Allocate state transportation trust funds for regional multi-purpose trails including the East Central Florida Regional Rail Trail, Kennedy Space Center Loop Trail, and the East Coast Greenway in Brevard. The 55-mile Space Coast Loop will be the eastern end of the Coast-to-Coast Connector and the southern end of the five-county St. Johns River to Sea Loop.
  - **Support Passenger Rail in Brevard** – As passenger rail is expanded throughout the state, continue FDOT investment in quiet zones and support establishment of one or more stops in Brevard County.
  - **Expand Port Canaveral's Passenger and Freight Capacity** – Invest in strategic port projects to expand passenger and cargo facility development and support intermodal connections to the port.
  - **Invest in Space Transportation Infrastructure** – Continue to prioritize and fund spaceport projects in the Strategic Intermodal System five year work program. Incorporate spaceports into all long-range transportation plans and programs with specific policies and procedures for spaceport development.

### **TRANSPORTATION FUNDING**

**Fund the Transportation Regional Incentive Program (TRIP)** – TRIP funds come from documentary stamps to provide matching funds (up to 50%) for improvements to regionally significant transportation facilities. Allocated funds have been reduced as a result of the economic decline and may be further impacted by the Florida Water and Land Conservation Amendment.

- **Consider Local Priorities for Flexible Transportation Funding** - New federal guidelines allow increased state discretion for use of transportation funds. The state's transportation funding policies need to address local comprehensive transportation system needs and successful programs such as Complete Streets and Safe Routes to School.
- **Protect the State Transportation Trust Fund and Transportation Disadvantaged Trust Fund** - In the long term, diverting money from trust funds for non-transportation uses degrades the state's transportation system and impairs the state's economic competitiveness, public safety and quality of life.

### **Tourism Development**

**SUPPORT** completion of building and connecting the East Central Florida Regional Rail Trail and Kennedy Space Center Loop Trail to create crucial connection in statewide trail system. The 55-mile Loop will

be south end of 5-county St. Johns River to Sea Loop and provide eastern link to Coast-to-Coast Connector.  
(Tourism Development Office)

**SUPPORT** a requirement for lodging operators to post sales tax i.d. number on all advertisements to demonstrate compliance with all state laws regulating lodging operators and tax collection requirements.

**SUPPORT** legislation clarifying the obligation of Online Travel Agents (OTAs) and other online marketplaces which transact the rental of homes and rooms, like AirBnB, to collect and remit Sales Tax and Tourist Development Tax on the full retail price (not wholesale) of the rental.

**OPPOSE** any legislation which would expand the legal use of Tourist Development Tax beyond the current statute; including uses for lifeguards, public safety, roads and infrastructure.

**SUPPORT** tax incentives for the film and entertainment industry to attract film and television production, and the economic activity they generate, to Florida.

### **Career Source Brevard**

**SUPPORT** legislative and administrative action which improves the State's communication with CLEO and local boards and provides the maximum opportunity for establishment of an inclusive process. This includes providing a minimum *90 day notice* on any revision or change which impacts local or regional workforce board operations and practices.

**OPPOSE** any legislative or administrative action which limits CLEO input/advice, coordination with the local boards and diminishes local control.

**SUPPORT** any and all legislation which ensures that Brevard County continues its designation as a single-county local and regional workforce entity as described in WIOA Section 106 of PL No. 113-128.

**SUPPORT** legislation which continues the designation of all WIA-configured 24 regional workforce boards in the State of Florida as they currently exist.

**SUPPORT** local board size to be consistent with Pub. L. No. 113-128, Title 1, s.107 (b) by amending Section 445.007 (1) as follows: The membership of the board shall be consistent with Pub. L. No. 113-128, Title 1, s.107 (b).

**SUPPORT** amendments to Chapter 445 to include the associated costs of delivering the ITA to qualify as ITA expenditures by amending Section 445.003(3)(a) 1 as follows: At least 50 percent of the Title I funds for Adults and Dislocated Workers that are passed through to regional workforce boards shall be allocated to and expended on Individual Training Accounts unless a regional workforce board obtains a waiver from Workforce Florida, Inc. Tuition, books, and fees of training providers and other training services prescribed and authorized by the Workforce Investment Act of 1998 along with associated costs of delivering the Individual Training Accounts shall qualify as Individual Training Account expenditures

**SUPPORT** amendments to Chapter 445 which allow local boards to consider cost, accessibility and performance when looking at contracted training providers by revising Section 445.007 (6) as follows: A local area workforce board must consider the cost, quality of training and performance when approving local training providers and training programs.

**SUPPORT** amendments to Chapter 445 will help reduce the bureaucratic work load and introduce the TCA recipients to what will happen when they go to work which is the goal of "Temporary Assistance" by revising Section 445.024 (2) as follows: Work Activity Requirements - Each individual who is not otherwise exempt from work activity requirements must participate in a work activity for the maximum number of hours allowable under federal law; however, a participant may not be required to work more than 40 hours per week. Temporary Cash Assistance will be given after completion of the work requirements and in proportion to the amount of the work requirement documented

**SUPPORT** amendments to Chapter 445 which clarifies that individuals who are exempt from work requirements will not be referred for workforce services until DCF determines they are work ready by revising Section 445.024 (3) as follows: **EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.**—The following individuals are exempt from work activity requirements and will not be referred to the regional workforce board until they are determined by DCF to be work ready:

- (a) An individual who receives benefits under the Supplemental Security Income program or the Social Security Disability Insurance program.
- (b) An adult who is not defined as a work-eligible individual under federal law.
- (c) A single parent of a child under 3 months of age, except that the parent may be required to attend parenting classes or other activities to better prepare for the responsibilities of raising a child.
- (d) An individual who is exempt from the time period pursuant to s. 414.105.
- (e) An individual who is temporarily medically deferred.

**SUPPORT** amendments to Chapter 445 which allows for employed and self-employed measures to be tracked separately in Florida

**SUPPORT** joint reporting if required by US Department of Labor by providing additional information on self-employment with adjustments to wage/earnings/retention with the self-employed removed from the employment measure

**SUPPORT** amendments to Chapter 445 which supports that preapproved, reasonable and necessary per diem allowances and travel expenses may be reimbursed as long as they are in compliance with applicable federal requirements by specifically amending Section 445.007 (10)

**SUPPORT** amendments to Chapter 445 which provides the necessary clarification by revising Section 445.009(2) and adds item (c) as follows: (c) A local area workforce board that designates a public or private entity as its one-stop delivery system operator is not the employer of any employee who performs services for and under the control and direction of the one-stop delivery system operator for wages or other remuneration nor shall the local area workforce board be considered an agent of the one-stop delivery system operator. The local area workforce board shall not have any liability as a joint employer for any adverse employment action taken by the one-stop delivery system operator that violates Chapter 112, Chapter 440, Chapter 447, Chapter 448, or Chapter 760.

3(b) Employment services must be provided through the one-stop delivery system, under the guidance of one-stop delivery system operators. One-stop delivery system operators shall have overall authority for directing the staff of the workforce system. Personnel matters shall remain under the ultimate authority of the department. However, the one-stop delivery system operator shall submit to the department information concerning the job performance of employees of the department who deliver employment services. The area workforce board and the one-stop delivery system operator are not the employers of any employee who performs services for and under the control and direction of the department for wages or other remuneration. The local area workforce board and the one-stop delivery system operator shall not have any liability as a joint employer with the department for any adverse employment action taken by the department that violates Chapter 112, Chapter 440, Chapter 447, Chapter 448, or Chapter 760. The department shall consider any such information submitted by the one-stop delivery system operator in conducting performance appraisals of the employees.