

RESOLUTION NO. 2011-141

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE CITY OF COCONUT CREEK STATE LEGISLATIVE ACTION PLAN FOR THE 2012 STATE LEGISLATIVE SESSION; DIRECTING THE CITY CLERK TO SEND A COPY OF THE CITY OF COCONUT CREEK STATE LEGISLATIVE ACTION PLAN FOR THE 2012 STATE LEGISLATIVE SESSION TO THE BROWARD COUNTY LEGISLATIVE DELEGATION AND THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS FOR CONSIDERATION; PROVIDING AN EFFECTIVE DATE

State of Florida
County of Broward
City of Coconut Creek
I HEREBY CERTIFY that this is a true and correct copy
of Resolution No. 2011-141
Witness my hand the Official Seal of
The City of Coconut Creek this 14th day of
December 2011
Barbara Free
City Clerk

WHEREAS, the City of Coconut Creek takes an active role in commenting on federal, state, and local legislation that may affect the City and its residents; and

WHEREAS, the City of Coconut Creek has developed a Legislative Action Plan for the 2012 State Legislative Session outlining the City’s position on particular legislative issues; and

WHEREAS, the City Manager recommends that the City of Coconut Creek State Legislative Action Plan for the 2012 State Legislative Session, attached hereto as Exhibit “A” and incorporated herein as a specific part of this Resolution, be forwarded to the Broward County Legislative Delegation and the Broward County Board of County Commissioners; and

WHEREAS, the City Commission of the City of Coconut Creek deems it to be in the best interest of the citizens and residents of the City of Coconut Creek to approve the City of Coconut Creek State Legislative Action Plan for the 2012 State Legislative Session; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.


for the 2012 State Legislative Session attached hereto as Exhibit "A" and incorporated herein and made a specific part of this Resolution.

Section 3: That the City Clerk is hereby directed to provide a certified copy of this Resolution to the Broward County Legislative Delegation, and the Broward County Board of County Commissioners for consideration.

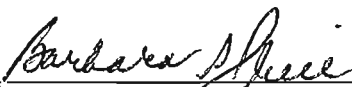
Section 4: That this Resolution shall become effective immediately upon its passage and adoption.

Adopted this 8th day of December 2011, on a motion by Commissioner Aronson and seconded by Vice Mayor Belvedere.

Ayes	<u>5</u>
Nays	<u>0</u>
Abstaining	<u>0</u>


Lou Sarbone, Mayor

Attest:


Barbara S. Price, MMC
City Clerk

Sarbone	<u>Aye</u>
Belvedere	<u>Aye</u>
Gerber	<u>Aye</u>
Tooley	<u>Aye</u>
Aronson	<u>Aye</u>

City of Coconut Creek State Legislative Action Plan 2012



**Mayor Lou Sarbone
Vice Mayor Mikkie Belvedere
Commissioner Marilyn Gerber
Commissioner Becky Tooley
Commissioner Lisa K. Aronson**

www.coconutcreek.net/legislativeagenda



City of Coconut Creek 2012 State Legislative Action Plan

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I. Intergovernmental Relations

A. Home Rule

BACKGROUND: Home Rule is based on the time-tested premise that the government closest to the people is the authority best positioned to serve the needs of the community. The right of the people to use a grassroots approach to determine public needs, public purpose, and implement programs is an important democratic principle. Home Rule powers are conferred to local government by the Florida Constitution and Florida Statutes. Maintaining the integrity of Home Rule, both administrative and fiscal, allows local governments to develop and implement community-based solutions to community-based issues, which is an essential component of good government.

RECOMMENDED POSITION: The City of Coconut Creek **supports** the preservation of Home Rule and **opposes** any legislation that seeks to diminish powers granted to local government. (FLC, 2011)*

B. Unfunded Mandates

BACKGROUND: Frequent State directives mandate local governments to provide services or programs without providing appropriate revenue or funding sources to implement or enforce the required activity. These unfunded mandates can compromise a city's ability to provide essential and discretionary services deemed appropriate by the local community.

RECOMMENDED POSITION: The City of Coconut Creek **supports** legislation that strengthens the prohibition of existing and new unfunded mandates, requires enhanced staff analyses of quantification of the costs to cities, and ensures that full state funding sources be assigned whenever unfunded mandates are identified. (2011)

- FLC = Florida League of Cities Item
- BLC = Broward League of Cities Item
- 2011 – Coconut Creek Legislative Item from 2011

II. Finances and Taxation

A. Revenue and Spending Limits

BACKGROUND: Legislation may be introduced that will seek to restrict the ability of local governments to provide the services their constituents want by placing spending caps on cities. Other proposals seek to place limitations on increases in city expenditures. Historically, a number of bills have been proposed that attempt to limit the ability of cities to set appropriate tax rates, user fees, impact fees, or special assessments. These measures limit the effectiveness of local officials and reduce the ability to meet the needs and requirements of their constituents.

RECOMMENDED POSITION: The City of Coconut Creek **opposes** legislation that will result in spending caps on local governments or limits the ability of cities to set appropriate tax rates, user fees, impact fees, or special assessments. (BLC, 2011)

B. Communications Services Tax

BACKGROUND: In 2002, the Florida Legislature established the Communications Services Tax (CST) Simplification Law. THE CST replaced and consolidated several different state and local taxes and fees into two taxes: The Florida CST and the local CST. The Florida CST is applied at a rate of 6.65% to all communications services except direct-to-home satellite services, which are taxed at a rate of 10.8%. Municipalities have the authority to levy the local CST up to a rate of 5.1%, but currently vary by jurisdiction, and are not applicable to direct-to-home satellite services. The Florida CST and the local CST are collected by communications service providers and remitted to the Department of Revenue, which distributes the proceeds to the appropriate jurisdictions.

The Department of Revenue has submitted a proposal that would eliminate the authority of municipalities to levy the Communication Services Tax. Instead, the tax would be levied by counties and dispersed to municipalities by a distribution formula.

RECOMMENDED POSITION: The City of Coconut Creek **opposes** legislation that modifies, restricts, or eliminates the authority of municipalities to levy, collect and/or expend the communications services tax. (FLC)

C. Local Business Tax

BACKGROUND: Currently, a municipality may impose a local business tax for the privilege of engaging in or managing a business, profession, or occupation within its jurisdiction. The amount of the tax and the occupations and businesses that the tax is imposed on are determined by the local government. Local business tax revenues collected by local governments are used to assist in the funding of services critical to these businesses such as zoning, permitting, code enforcement, and police and fire. Local governments may also use the business

tax revenues to help fund economic development programs, presenting a direct benefit to businesses through the marketing of local areas.

Both HB 4025 and SB 760 propose to repeal the authority of cities to levy the Local Business Tax. Both HB 361 and SB 770 propose the granting of an exemption from the Local Business Tax to specific individuals in the real estate industry.

RECOMMENDED POSITION: The City of Coconut Creek **opposes** legislation that modifies, restricts, or eliminates the authority of municipalities to levy, collect and/or expend the local business tax. (FLC)

D. Amendment 4

BACKGROUND: A proposed constitutional amendment sponsored by the Florida Legislature will be placed on the 2012 General Election ballot as "Amendment 4". This amendment will reduce the current assessment limitation on non-homestead real property from 10% to 5% and grant first-time homesteaders an additional homestead exemption equal to 50% of the just value of the property up to the County median home value. The proposed amendment will create an "anti-recapture" provision that allows the Legislature, by general law, to prohibit increases in the assessed value of homestead property if the just value of the property decreases. The non-homestead assessment cap reduction and the first-time homesteader provision apply only to non-school property taxes.

It is anticipated that Florida's Fiscal Year 2015-16 financial impact will be \$607 million, of which the non-homestead assessment cap will be \$430 million. Amendment 4 will shift the tax burden to new or growing businesses and create a disadvantage for new businesses that would have to pay higher property taxes than their more established counterparts. It will also create inequities for non-homestead properties by allowing identical properties to be taxed differently.

RECOMMENDED POSITION: The City of Coconut Creek **opposes** proposed Amendment 4 to the Florida Constitution and any other introduced legislation that changes current homestead exemption provisions. (BLC)

E. School Resource Officer (SRO) & School Crossing Guard Funding

RECOMMENDED POSITION: The City of Coconut Creek **supports** an amendment to Section 316.75, F.S. to provide that the state allocate a dedicated funding source to support the school crossing guard program provided therein, and, in addition, authorization of a designated funding source to provide for the funding of school resource/security officers in every school in the State of Florida. (2011)

F. Employee Health Insurance Program

RECOMMENDED POSITION: The City of Coconut Creek **supports** the expansion of the eligibility for participation in the State group health insurance program to include all municipalities. (2011)

G. Voluntary Special Assessment for Law Enforcement Services

RECOMMENDED POSITION: The City of Coconut Creek **supports** Legislation enabling municipalities to levy a revenue-neutral, voluntary special assessment for law enforcement services. (2011)

H. SHIP (State Housing Initiative Partnership) Funding

RECOMMENDED POSITION: The City of Coconut Creek:

- **Supports** a repeal to the cap on State and local housing trust funds
- **Supports** the full appropriation of housing trust funds solely for housing programs
- **Urges** the Legislature to fully fund the SHIP program for FY 2012-2013. (2011)

I. Interim Service Fees

BACKGROUND: Newly developed properties often are not charged their fair share of the cost of government services. There may be a delay of more than two years between the time that a newly constructed building is occupied and the time that property taxes on the improved property are due and payable. During this time, the occupants of the property receive services from local governments and school districts (at the expense of other taxpayers) and only pay taxes based on the value of their property before improvements. Florida law does not authorize local governments to address this inequity. Interim Services Fees have been enacted locally in an effort to assess a fair charge on new buildings, but the Florida Supreme Court struck down such fees because there is no specific statutory authority to enact the fees.

RECOMMENDED POSITION: The City of Coconut Creek **supports** the enactment of legislation that will authorize local governments to implement Interim Services Fees.

J. Construction and Demolition Debris Legislation

BACKGROUND: There is a possibility of legislation deregulating the collection of Recovered Construction and Demolition Materials (RCDM). It appears to threaten the City's franchise agreement with Republic Services because it would no longer have exclusive rights to the commercial RCDM. Regarding residential C&D, the City would likely have to amend its ordinance because the proposed legislation would only allow a registration fee commensurate with the cost incurred "in operating and enforcing its registration program and the cost of verification that what is collected is RCDM." These legislative changes would have an effect on the solid waste franchise fees, although the extent is uncertain. It may also affect customer rates as Republic Services would likely request to reopen the franchise agreement for a fee adjustment to remain whole.

RECOMMENDED POSITION: The City of Coconut Creek **opposes** legislation deregulating the collection of Recovered Construction and Demolition Materials.

K. Disability Presumption

BACKGROUND: Over twenty years ago the state legislature passed a law which established a legal presumption that hypertension and heart disease in a firefighter is job related in all cases unless proven otherwise. In 1999, this benefit was extended to apply to state law enforcement officers. Bills have also been filed regularly to add cancer, HIV and AIDS related conditions to this list.

RECOMMENDED POSITION: The City of Coconut Creek **opposes** legislation that expands disability presumptions to include cancer, HIV and AIDS related conditions.

III. Environmental Quality

A. Environmental Regulations

BACKGROUND: The City has long valued the need to protect local natural resources through environmental regulatory programs, such as surface water management, air quality, and pollution prevention.

RECOMMENDED POSITION: The City of Coconut Creek **opposes** any legislation that lessens environmental protection at the local level, including preemption of local authority such as through statewide or uniform rules, and statewide standards on issues related to environmental regulations and enforcement. In addition, the City of Coconut Creek **opposes** any efforts that would negatively impact the County's ability to regulate air and water quality and the wetlands resources of Broward County, including through its delegated authority to implement the State's Environmental Resource Permit (ERP).

B. Water Quality

BACKGROUND: Pursuant to a January 2009 Clean Water Act determination and a consent decree with the Florida Wildlife Federation to settle a 2008 lawsuit, the US Environmental Protection Agency (EPA) established numeric nutrient water quality standards for lakes and flowing waters in Florida in November 2010. The final standards set numeric limits, or criteria, on the amount of nutrient pollution allowed in Florida's lakes, rivers, streams, and springs. While local governments are not necessarily opposed to the goals of these water quality standards, the federal and state governments must realize that there are expenses associated with meeting these standards. Additionally, the federal and state governments must recognize that cities must retain the authority to regulate numerous "contributors" to poor water quality, based on unique local circumstances. Therefore, there should be no preemption of the authority of cities to regulate stormwater discharges, septic tanks, fertilizer use, and other "contributing" factors to poor water quality.

On November 2, 2011, the federal EPA sent a letter to the Florida DEP expressing conditional support of Florida's proposed rules relating to establishing numeric nutrient criteria for Florida's water bodies. Because these rules have a financial impact on businesses and local governments, they must be ratified by the Florida Legislature and will be a focus during the 2012 Session.

RECOMMENDED POSITION: The City of Coconut Creek **supports** legislation that assures cities retain the tools necessary to achieve federal or state water quality standards, such as standards on total maximum daily loads or numeric nutrient criteria, at the lowest possible cost to cities. To accomplish these various standards, cities must have broad regulatory authority, such as controls on stormwater discharge, septic tanks and fertilizer use. (FLC, BLC, 2011)

C. Reclaimed Water

BACKGROUND: HB 639 provides legislative findings relating to use of reclaimed water; provides that reclaimed water is an alternative water supply and eligible for such funding; specifies contract provisions; provides for determination

of uncommitted reclaimed water capacity by certain utilities; prohibits water management districts from requiring permits for use of reclaimed water; authorizes permit conditions for certain surface water and groundwater sources; authorizes water management districts to require use of reclaimed water under certain conditions; prohibits water management districts from requiring or restricting services provided by reuse utilities; clarifies which permit applicants are required to submit certain information and requires DEP and water management districts to initiate rulemaking to adopt specified revisions to water resource implementation rule.

RECOMMENDED POSITION: The City of Coconut Creek **supports** legislation clarifying that reclaimed water is a product generated by a utility treatment process, which should not be subject to regulatory actions by the water management districts, and may become an integral element of a utility's water supply plan and permitted discharge strategy. Furthermore, the City will **support** legislation that provides that any quantity of water made available by the use and/or generation of reclaimed water should be allocated to the reclaimed water provider. (2011)

IV. Growth Management and Transportation

A. Various

BACKGROUND: All cities must properly plan for growth and provide needed infrastructure and develop and implement zoning and land use regulations that are consistent with the adopted comprehensive plan and which protect the environment.

RECOMMENDED POSITION: The City of Coconut Creek **supports** legislation that addresses the following:

- Preservation of local government's responsibility to manage public resources.
- Utilization of land use policies that strongly encourage the development of mass transit and establishment of a funding allocation, directly to local governments, for transit operations, mass transit, transit infrastructure, and transit policy implementation. (BLC)
- Any legislative effort that provides an equitable, dedicated, and recurring revenue source to support mass transit, operations, infrastructure, and transit policy implementation for Southeast Florida. (BLC)
- Legislation granting local governments flexibility in planning and funding for viable transportation systems and infrastructure but **opposes** legislation that pre-empts local government authority to regulate the impact of current and future Florida Department of Transportation projects. (BLC)

B. Sadowski Trust Fund

RECOMMENDED POSITION: The City of Coconut Creek **supports** the preservation of the dedicated documentary stamp fees as a funding source for the State and Local Government Housing Trust Fund (Sadowski Trust Fund), **supports** legislation lifting the cap on fund distributions, and **opposes** any surplus funds being diverted to the General Fund. (BLC, 2011)

V. Urban Administration

A. Residential Group Homes

BACKGROUND: Community group homes may be defined as homes that are purchased in single family residential neighborhoods and then converted to treatment residences for persons with drug addictions or physical disabilities. Many of the operators of these homes are not regulated and are not usually licensed service professionals. Often residents will admit that group home residents deserve reasonable housing accommodations, but not necessarily in “their own backyard.”

In order to make wise and prudent decisions and to work with citizens and other stakeholders, legislation is necessary to better define community group homes and require that a community be advised when an application is submitted for site approval of community residential homes with six or fewer residents within single or multifamily zoning areas, regardless of their proximity to another such home.

RECOMMENDED POSITION: The City of Coconut Creek **supports** legislation that requires community residential homes to notify local governments upon application and adhere to local municipal standards of occupancy where onsite substance abuse treatment must be provided by a licensed service provider. (FLC)

B. Plan Filing

BACKGROUND: HB 387 would allow local governments to receive, file, and store construction plans in an electronic format as an alternative to paper.

RECOMMENDED POSITION: The City of Coconut Creek **supports** HB 387 in an effort to save space, provide longevity for plans, and create a “greener” office.

C. Economic Development

BACKGROUND: Over the past two years, the Florida Legislature has focused on the area of economic development as a way to restart Florida’s economic engine and create more jobs for Floridians

RECOMMENDED POSITION: The City of Coconut Creek **supports** legislation that promotes state agency coordination with local entities through providing increased technical assistance, building public infrastructure and urban infill projects and programs, offering appropriate business incentives that support local economic development. The City also **supports** legislation that will create a highly skilled workforce by investing in educational initiatives that reflect the needs of existing and emerging business markets and legislation that will solicit additional federal tax credits for environmentally sustainable and affordable housing and local government infrastructure. (FLC, 2011)

D. Effective Public Notice

BACKGROUND: Numerous statutory provisions require cities to provide public notice or advertising in local newspapers. Most cities spend tens of thousands of dollars each year or more to meet newspaper advertising requirements. The laws should be changed to authorize cities to provide effective public notice and advertising for various appropriate matters by means other than newspapers. Depending on the circumstances, examples include direct mailings, physical posting of properties, Internet posting, free publications, government access television channels, and other suitable alternatives. The goal is to provide public notice in the most effective manner at the lowest possible cost to the citizens.

SB 292 authorizes cities to use their publicly accessible website for legally required advertisements and public notices.

RECOMMENDED POSITION: The City of Coconut Creek **supports** legislation authorizing municipalities to provide effective public notice and advertising for various appropriate matters, not to include ad valorem taxation millage setting, by means other than newspapers, such as direct mailings, physical posting of property, internet posting, free publications, government access television channels, and other suitable alternatives. (FLC, BLC, 2011)

E. Mortgage Holders' Responsibility

BACKGROUND: Currently, under Florida law, mortgage holders are responsible for unpaid condominium association fees that are the lesser of one (1%) percent of any mortgage amount or six months of unpaid maintenance fees and regular assessments at the time of foreclosure of a property. Fees often accumulate in excess of that for which the mortgage holder is responsible, resulting in the fees becoming the responsibility of the remaining association members, who, in many cases, must pay exorbitant special assessments to cover said fees.

RECOMMENDED POSITION: The City of Coconut Creek **supports** amendments to Florida Statutes to increase mortgage holders' responsibility for delinquent condominium, cooperative, and homeowners' association fees, regular assessments, and special assessments on units in foreclosure. (2011)

VI. Public Safety

A. Text Messaging/Cell Phone Use

BACKGROUND: Distracted driving, including the use of cell phones, is a major contributor to automobile accidents. Between 4,000 and 8,000 accidents related to distracted driving occur daily in the U.S. In a year, they contribute to as many as one-half of the six million U.S. accidents reported annually.

RECOMMENDED POSITION: The City of Coconut Creek **supports** the enactment of legislation that prohibits text-messaging while driving and regulates the usage of cell phones while driving. (BLC, 2011)

B. Firearms

BACKGROUND: In 2011, the Florida Legislature passed an amendment that eliminated a local government's ability to regulate firearms, including any local regulations on the ability to carry a handgun or concealed weapon into a public building. Section 790.06(12)(a)7 of the Florida Statutes prohibits any person to openly carry a handgun or carry a concealed weapon or firearm into any meeting of the governing body of a county, public school district, municipality, or special district. However, the statute is not clear as to whether one may carry a concealed weapon or firearm into such buildings if they are not attending a meeting.

Local bills have been drafted proposing that it would be unlawful to openly carry a hand gun or concealed weapon or firearm into (among other select places in the County) one building within each municipality within Broward County designated by the governing body of the municipality.

RECOMMENDED POSITION: The City of Coconut Creek **opposes** legislation that would allow civilians the right to carry concealed weapons or firearms into municipal facilities. The City **supports** legislation that makes it unlawful to openly carry concealed weapons or firearms into the Coconut Creek Government Center. (BLC)

VII. Education

A. School Funding

BACKGROUND: Adequate funding is necessary to provide the appropriate resources insuring all Pre-K through Grade 12 students shall have access to the technology, innovative programs, high-quality teachers, and support staff that will enable him/her be college and career ready, and that the educational programs and services are delivered in a modern, safe, and secure physical environment.

RECOMMENDED POSITION: The City of Coconut Creek **supports** full funding for education as mandated by Article IX, Section 1 of the Florida Constitution stressing that the education of children is a fundamental value of the people of the State of Florida. (BLC, 2011)

B. Advance Notification to Municipalities of Charter School Sitings

RECOMMENDED POSITION: The City of Coconut Creek **supports** revisions to Section 1002.33, F.S., to require that charter schools identify the proposed location of their facility in their charter school application, and present evidence from the municipality or county with land use and zoning jurisdiction that the proposed facility meets all applicable local comprehensive plans and land development regulations. The City also **supports** clarification that charter schools are subject to local land development regulations and are not covered by the partial exemption from such regulation for school board operated public schools in Section 1013.33(10)-(15), F.S. (2011)