MEMORANDUM

Substitute
Agenda Item No. 10(A)(1)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	January 20, 2005
FROM:	Robert A. Ginsburg County Attorney	**SUBJECT:**	Resolution approving the "Tri-County Commission 2005 State Legislative Priorities"

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Joe A. Martinez, and Commissioner Sally A. Heyman.

This substitute differs from the original in that it indicates that the Board approves the Tri-County Commission state legislative package only to the extent it is consistent with the Miami-Dade County State Legislative Package.

Robert A. Ginsburg
County Attorney

RAG/bw

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: January 20, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Substitute Agenda Item No. 10(A)(1)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

✓ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 10(A)(1)
1-20-05

RESOLUTION NO. _____

RESOLUTION APPROVING THE "TRI-COUNTY COMMISSION 2005 STATE LEGISLATIVE PRIORITIES"

WHEREAS, the Boards of County Commissioners for Broward and Palm Beach Counties and the Mayor and County Commissioners of Miami-Dade County, acting as the Tri-County Commission, wish to promote regionalism, wherever common goals exist, and agree with respect to the legislative agenda attached hereto,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Approves the "Tri-County Commission 2005 State Legislative Priorities," which is attached hereto and incorporated herein by reference, to the extent consistent with the Miami-Dade County State Legislative Package.

Section 2. Urges the Florida Legislature to enact these priorities.

Section 3. Directs the Clerk of the Board to send a certified copy of this resolution to the Chair and members of the Miami-Dade State Legislative Delegation.

The foregoing resolution was sponsored by Chairman Joe A. Martinez and Commissioner Sally A. Heyman and offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Dr. Barbara Carey-Shuler
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairman thereupon declared the resolution duly passed and adopted this 20th day of January, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty

Tri-County Commission
2005 State Legislative Priorities

The Boards of County Commissioners for Broward and Palm Beach Counties, and the Mayor and Commissioners of Miami-Dade County, acting as **the Tri-County Commission**, will continue to use their collective vision to effectively serve the citizens of Broward, Miami-Dade and Palm Beach Counties.

The Tri-County Commission directs staff to communicate with appropriate Members of the Florida Legislature, including the Tri-County Legislative Delegation, to convey its intent to promote regionalism, wherever common goals exist, and our mutual agreement on the following issues:

ARTICLE V COSTS

The Tri-County Commission supports legislation to clarify the remaining issues regarding Article V. In addition, **The Tri-County Commission opposes** any legislative efforts to shift additional court-related costs to counties or to eliminate funding sources currently received to support some Article V related expenses.

CONSUMER SERVICES

The **Tri-County Commission supports** legislation that provides protection to consumers as it relates to predatory lending, motor vehicle shop supply charges, used auto warranties, auto title loans, passengers riding on the exterior of vehicles, and pawnbrokers, by providing control to local government.

CULTURAL PROGRAMS

The **Tri-County Commission supports** legislation to provide adequate appropriations for investment in cultural and historical facilities grants through the Department of State's annual review process.

EDUCATION

The Tri-County Commission recommends that the State Legislature strongly support the implementation of the Universal Pre-Kindergarten (UPK) language under Article IX, Section 1 of the Florida Constitution requiring the state to fully fund and provide a free voluntary system of high quality pre-kindergarten education for all four-year-old children beginning in 2005.

The following are the requirements agreed upon by many of the child advocate groups across the state:

Governance: coordinate the UPK and the School Readiness system under one entity, utilizing strong leadership and governance at both the state and local level.

Quality: require a level of accreditation of all UPK providers by 2006; require no less than a Child Development Associate (CDA) or Florida equivalency certificate beginning in 2005; establish benchmarks for increased educational qualifications with lead teachers possessing an associate's degree by 2010 and a bachelor's degree by 2013; enact a professional development system with clear articulation language to remove barriers to higher education.

Curriculum: require that staff to child ratios should not exceed one adult per ten children; group size should not exceed 20 children in any UPK classroom; deliver a literacy-focused, age appropriate curriculum based on the Florida Performance Standards for four year olds.

Parental Choice: offer a UPK program at no cost to parents, resulting in equal access to all parents; offer parental choice through participation of a wide array of preschool providers in private, faith-based, and public school settings who meet specified quality standards.

Service Delivery: offer a minimum of 4 instructional hours daily and 180 days per year, for greatest potential benefit to children; develop provisions for extended day and extended year services; create a UPK and School Readiness system that is user-friendly for both parents and providers.

Cost: fund the UPK program at high enough levels to provide a quality program and fund infrastructure to monitor and provide technical assistance to UPK programs.

ELECTION REFORM

The Tri-County Commission supports expedited research and recommendations from the Secretary of State with regards to the certification process for paper verification of voting records for touch screen machines. The option to print should not only verify votes, but also provide a means for counting undervotes and overvotes in the event of an election recount. Portions of the federal HAVA funding should be earmarked for the purchase of this additional technology.

EVERGLADES RESTORATION PLAN (CERP)

The Tri-County Commission recognizes that the economic and environmental sustainability of South Florida, especially its natural resources, quality of life and water supply, are critically dependent upon the health of Florida's Everglades and that the balanced implementation of the Comprehensive Everglades Restoration Plan (CERP) is the blueprint for the recovery of a healthy Everglades ecosystem and a sustainable South Florida socio-economic environment. **The Tri-County Commission supports** balanced CERP implementation (pursuant to state and federal law), **supports** the "bond as you go" legislation passed in 2002, **and opposes** any efforts to diminish or redirect these funds.

HEALTH AND HUMAN SERVICES

The Tri-County Commission implores the legislature to provide basic human services to protect and assist residents most in need. Miami-Dade, Palm Beach, and Broward Counties have demonstrated this commitment by providing funding for the delivery of health, mental health, housing and human services.

The Tri-County Commission supports local involvement in the formulation and implementation of policies that protect the health, mental health, safety and welfare of Florida's residents.

The Tri-County Commission supports equity funding for human services from state agencies' budgets and **opposes** any funding reductions in the areas of health, mental health and human services in order to meet the increasing demand.

The Tri-County Commission opposes any changes to the funding formula for the Medicaid program between the federal and state government that would reduce the federal share to Florida.

The Tri-County Commission opposes any legislative efforts which eliminate statewide application of mandatory or optional Medicaid services for eligible recipients.

The Tri-County Commission supports legislation that fully maintains and preserves critical mandatory and optional Medicaid services such as the Medically Needy program.

The Tri-County Commission opposes any legislative efforts to divert Medicaid county funding for mental health services to managed care programs.

The Tri-County Commission supports legislation that provides the financial infrastructure for the State to sustain Medicaid non-emergency patient transportation services by using a methodology rate process for distribution of funds to counties that does not shift financial responsibility of services to the local level.

The Tri-County Commission requests the Governor to petition The Office of Management and Budget regarding equalization of Medicare benefits for Miami-Dade, Broward, and Palm Beach counties, the country's 6th largest statistical metropolitan area.

HOME RULE

The Tri-County Commission is dedicated to the fundamental concept that the government closest to the people is the appropriate authority to serve the needs and requirements of the community. **The Tri-County Commission supports** maintaining the integrity of home rule power, which allows counties to develop and implement solutions to local problems. As charter counties, **the Tri-County Commission opposes** legislative efforts that interfere with the governance or administration of local government, and **opposes** interference with constitutional immunity from taxation of county property.

The Tri-County Commission opposes the shifting of costs from the state to the local level for juvenile justice services.

HOMELAND SECURITY

Improvement of security measures has been given top priority at all levels of government. South Florida's economy, including significant industries such as tourism, and shipping and trade, are highly dependent upon safe mobility. **The Tri-County Commission supports** maintaining and expanding a close working relationship with federal, state, and local government agencies to improve homeland security. Recognizing that local government is usually the first responder in crisis situations, partnership support and funding from all higher levels of government is essential. Security enhancements at South Florida's seaports and airports are of the highest importance. **The Tri-County Commission supports** state funding for equipment and technology to implement port and airport security programs.

TRANSPORTATION PLANNING AND EQUITY

The Tri-County Commission supports state legislation and funding that promotes safe, efficient regional interconnectivity through the South Florida Regional Transportation Authority (RTA).

The Tri-County Commission opposes any legislation that could be detrimental to the interest of the maritime, aviation, and surface transportation industries.

The Tri-County Commission supports greater equity in the distribution of state appropriations for transportation improvements.
The Tri-County Commission supports greater fairness and equity in the distribution of state appropriations to counties for transportation improvements through formula-based methodologies.

The Tri-County Commission supports state legislation granting county governments maximum flexibility in planning and funding viable transportation systems and infrastructure.
The Tri-County Commission supports the counties' option of implementing a plan by enactment of an ordinance to install traffic safety photo enforcement cameras at intersections to help reduce the number of motorists who run red lights and to reduce traffic accidents.

The Tri-County Commission opposes any efforts to merge the respective Metropolitan Planning Organizations, and urges the state to redesignate the existing individual MPOs.

The Tri-County Commission supports additional and enhanced regional planning and coordination among the three MPOs to ensure optimum compliance with federal law.

The Tri-County Commission supports legislative changes to the criteria for turnpike noise walls so they may apply to large pieces of individually owned property in urban areas as well as schools and hospitals.

WATER POLICY

The Tri-County Commission supports water conservation initiatives such as reuse, public outreach and improved irrigation practices as ways to conserve Florida=s valuable water resources. However, **the Tri-County Commission opposes** mandatory programs which may not be feasible or fiscally efficient.

The Tri-County Commission supports Florida's existing water law that is based on the principles that water is a public resource and that water allocations may not be sold or transferred. The Commission believes that current law provides sufficient protection for water and natural resources while also providing for reasonable and beneficial uses of water for the public. The Legislature may consider modifications to State water law which could lead to the privatization of Florida's water resources or modify fundamental precepts of the way Florida's water resources are managed. **The Tri-County Commission opposes** modifications to Florida water law that would: a) change the guiding principles of the State's water laws, b) allow the sale of water allocations, c) change the intent of local sources first provisions especially as it relates to the Central and Southern Flood Control Project and CERP implementation, or d) diminish the State's capacity to reserve water for the natural system.

The **Tri-County Commission supports** the existing framework of regional water management while working to improve coordination efforts between water management districts and local governments. The **Tri-County Commission opposes** the legislative creation of a statewide water authority which redefines the water supply relationship among the state, water management districts, and local governments.