

# Memorandum

MIAMI-DADE  
COUNTY

Date: December 20, 2005  
To: Honorable Chairman Joe A. Martinez and Members,  
Board of County Commissioners  
From: Joe I. Rasco  
Director, Office of Intergovernmental Affairs  
Subject: 2006 State Legislative Packages

Supplement to  
Agenda Item No.  
1 (H) 1

---

## RECOMMENDATION

It is recommended that the Board approve the attached State legislative package.

## BACKGROUND

On October 13, 2005 my office met with the County Manager's office and reviewed the legislative requests submitted by County departments. We agreed on legislative issues for inclusion in a proposed state legislative package. The proposed 2006 state legislative package is attached hereto. State Priorities were previously approved by the Board on November 15, 2005. Also included for your information is a list of resolutions passed by the Board related to state legislation since the end of the 2005 state legislative session.

## 2006 STATE LEGISLATIVE PRIORITIES

### **COST SHIFTS/BUDGET CUTS:**

- To preserve funding for important county programs, oppose any additional cost shifts from the state to the county, and any reduction in county revenue, revenue sharing or funding from the state.

### **FINANCE:**

- To ensure fairness among taxpayers, clarify laws governing the agricultural exemption so that the exemption does not apply to property actively being developed for a non-agricultural use.

### **HOME RULE AND IMPACT FEES:**

- To preserve local home rule, oppose any efforts to preempt local authority, including any effort to limit or eliminate local government's ability to impose impact fees on new growth to offset related costs.

### **MEDICAID AND MEDICAL LIABILITY:**

- Support issues related to the Public Health Trust related to Medicaid reform:
  - Oppose any cost-shifting or increase of uncompensated care related to Medicaid.
  - Oppose any reductions or freezes in provider reimbursements related to Medicaid.
  - Maintain JMH's Upper Payment Limit (UPL) program.
  - Support the University of Miami in its efforts to address medical liability related to JMH.

### **PROPERTY TAX RELIEF:**

- To help low- to moderate-income seniors and the disabled stay in their homes with rising property taxes:
  - Offer language freezing the assessed value of homestead properties of low-to-moderate-income senior citizens and the disabled.
  - Expand the Tax Deferral Program, which allows seniors to delay paying property taxes until the sale of the home, by reducing the age requirement from 70 to 65 years of age and increasing the minimum household income requirement for seniors from \$12,000 between \$23,260 or \$25,000.
  - Increase the annual household limitation requirement from the current level of \$23,260 to \$25,000 to qualify for the Senior Homestead Exemption.
  - Provide a local option to increase the widow(er) and disability exemption on ad valorem property taxes to \$5,000.
- To help seniors and the disabled trade down to smaller homes if they so desire, provide a one-time transfer of the "Save Our Homes" assessed value to smaller less expensive replacement homes.

### **SECURITY/ HURRICANE AND EMERGENCY RESPONSE:**

- To improve emergency response:
  - Increase funding for the Miami-Dade County Health Department, as the lead agency for the management of Special Needs Evacuation Shelters under Florida Statutes.
  - Provide additional equipment and funding for increased interoperability among emergency responders.
  - Provide a redundant 911 system with a microwave component to serve as an alternative 911 system should the existing system be damaged or destroyed by a disaster.
- To protect our most vulnerable residents in an emergency:
  - Impose more significant requirements on nursing homes and Adult Living Facilities to include full facility generator power and a rigorous inspection process to ensure all emergency planning and preparedness requirements are being met.

### **SEAPORT:**

- To provide proper security for the Dante B. Fascell Port of Miami-Dade, support increased funding for security-related requirements and oppose additional security-related mandates from the state.
- To properly balance security and commerce and place Florida ports on a level playing field with other ports, ensure a proper balance of state seaport security regulation and U.S. Coast Guard regulation, now that the U.S. Coast Guard has implemented federal oversight of seaport security.

### **TRANSIT:**

- To ensure that transportation services are available to those who are dependent on it, restore state funding for the Medicaid non-emergency transportation-disadvantaged program on a fair and equitable basis, or find a dedicated state funding mechanism.

### **WORKFORCE AND AFFORDABLE HOUSING:**

- To increase housing units available for persons most at risk of homelessness, increase the percentage of housing units in multi-family rental housing projects set aside for extremely low-income persons.

## APPROPRIATIONS REQUESTS

<b>NATURAL &amp; ENVIRONMENTAL RESOURCE MANAGEMENT</b>	
Miami River Dredging Federal Channel (one-time)	\$1,800,000
Miami River Dredging Non-Federal Channel (one-time)	\$2,200,000
South Miami-Dade Watershed Sub-Basin (one-time)	\$726,500
Hurricane Tree Canopy Replacement/Re-Greening (one-time)	\$5,000,000
<b>GENERAL GOVERNMENT</b>	
Mosquito Control Spraying Program - Storm Drain	\$1,900,000
<b>ECONOMIC DEVELOPMENT AND FINANCE</b>	
Empowerment Zone Trust (one time)	\$5,000,000
<b>HOMELESS TRUST</b>	
Supportive Housing and Services for Homeless Mentally Ill	\$1,000,000
<b>HUMAN SERVICES</b>	
High Risk Nutritional Program for Elders	\$871,250
Waiting List Reduction for Elderly In-Home Support Services	\$1,176,000
Waiting List Reduction for Home Care Services for Person with Disabilities	\$409,259
Revolving fund to provide benefits to defendants with mental illness upon discharge from incarceration (one-time)	\$325,000
<b>INTERNATIONAL TRADE</b>	
International Trade Consortium (one-time)	\$300,000
<b>JUVENILE SERVICES</b>	
Juvenile Services Diversion Program/formerly JASP (recurring formula)	\$583,000
Juvenile Assessment Center (recurring formula)	\$729,000
<b>LAW ENFORCEMENT</b>	
Enhancement of Crime Laboratory and Crime Scene Bureaus (one time)	\$1,400,000
<b>CULTURAL AFFAIRS &amp; PUBLIC LIBRARIES</b>	
State Aid to Public Libraries (recurring formula)	\$3,250,000
Performing Arts Center (one-time)	\$2,500,000

**MIAMI-DADE COUNTY COMMISSION RESOLUTIONS  
FOR THE 2006 FLORIDA LEGISLATIVE SESSION**

- SUPPORT action by the Governor, Florida Legislature and Florida Department of Children and Families to reinstate funding for the Cuban and Haitian Refugee Crime and Victimization Initiative Program. **Passed full BCC November 30, 2004 (R-1413-04).**
- SUPPORT legislation removing time limits for filing petitions for post-sentencing DNA testing, extending time periods for the preservation of physical evidence, and providing for retroactive application for post-sentencing DNA testing. **Passed full BCC December 6, 2005 (R-1366-05).**
- SUPPORT action by the Florida Legislature, the Florida Department of Transportation, Florida's Turnpike Enterprise, the South Florida Water Management District and other pertinent state departments to fund and install guardrails on highways adjoining canals in heavily-traveled areas and in medians on expressways. **Passed full BCC December 6, 2005 (R-1365-05).**
- SUPPORT legislation, including a joint resolution proposing an amendment to the constitution if necessary, to provide property appraisers statewide an alternative assessment approach for multifamily affordable housing properties. **Passed by full BCC December 6, 2005 (R-1364-05).**
- SUPPORT legislation in the U.S. Congress and the Florida Legislature to reinstate and fund the summer youth employment program. **Passed full BCC October 18, 2005 (R-1361-05).**
- SUPPORT legislation to include funding for the purchase of generators for emergency fuel supplies in its 2006 budget; urge the Governor not to veto such funding; and urge the legislature to pass legislation requiring gasoline stations to be equipped with alternative means of power generation. **Passed full BCC November 15, 2005 (R-1304-05).**
- SUPPORT legislation to enact a grant program for 311 non-emergency police and other government services telephone systems. **Passed by full BCC November 1, 2005 (R-1268-05).**
- SUPPORT legislation to continue and expand the hurricane sales tax holiday. **Passed full BCC November 1, 2005 (R-1267-05).**
- SUPPORT action by the United States Congress and the Florida Legislature to monitor developments regarding the potential for a flu pandemic and to appropriate funding to purchase sufficient quantities of flu vaccine to protect the public in the event a pandemic occurs. **Passed full BCC October 18, 2005 (R-1213-05).**
- SUPPORT the passage of a joint resolution proposing a Constitutional Amendment providing homeowners age 55 and older or who are totally and permanently disabled a one-time transfer of the "Save Our Homes" assessed value in their present homestead properties to smaller less expensive replacement homes in the same county within one year of the sale. **Passed full BCC October 18, 2005 (R-1168-05).**
- SUPPORT action by the Florida Legislature, the Florida Department of Education, and the Board of Governors for the State University System of Florida to incorporate hurricane preparedness into the high school, college and university curricula and community service programs. **Passed full BCC October 18, 2005 (R-1167-05).**
- OPPOSE legislation in the State of Florida and the U.S. Congress to reduce funding for safe and drug free schools. **Passed full BCC October 18, 2005 (R-1166-05).**

4

- SUPPORT action by the Florida Legislature, Florida Attorney General, United States Congress, United States Attorney General, Florida Association of Counties and other public officials to investigate gasoline pricing and report to the citizens of Miami-Dade County, the State of Florida, and the United States on gasoline price rises. **Passed full BCC August, 23, 2005 (R-945-05).**
- SUPPORT legislation authorizing the expungement of criminal records of persons arrested for protesting and committing other acts of civil disobedience during the Civil Rights Era. **Passed full BCC May 3, 2005 (R-534-05).**
- SUPPORT legislation to endorse the concept of voting centers for future elections. **Passed full BCC May 3, 2005 (R-533-05).**
- SUPPORT the passage of a constitutional amendment to grant the right to vote to former felons who have completed their sentences and who would otherwise be eligible to vote under the laws of the State of Florida. **Passed full BCC May 3, 2005 (R-522-05).**
- SUPPORT the passage of a joint resolution proposing a Constitutional Amendment freezing the tax assessed value of homestead property of low-income senior citizens. **Passed full BCC April 25, 2005 (R-419-05).**
- SUPPORT legislation to establish an ad valorem tax credit to assist homeowners with the expense incurred to retrofit existing security bars with quick release devices to allow occupants to escape from a fire and facilitate rescue attempts by firefighters. **Passed full BCC April 5, 2005 (R-416-05).**

ITEMS ARE LISTED BY THREE CATEGORIES, A) SUPPORT, B) OPPOSE AND C) MONITOR IN THEIR RESPECTIVE SUBJECT MATTER

**2006 PRELIMINARY STATE LEGISLATIVE PACKAGE  
ISSUES OF INTEREST**

**A) ITEMS MIAMI-DADE COUNTY SUPPORTS:**

**CULTURAL AND RECREATIONAL INITIATIVES**

**CULTURAL AND HISTORICAL GRANTS:**

- SUPPORT legislation that restores funding for cultural and historical entities by \$4.715 million, through the Department of State's annual review and legislative appropriations process for cultural facilities and regional cultural facilities grants, and reestablishes the Corporations Trust fund as the dedicated funding source for cultural programs.
- SUPPORT legislation that would expand the uses of funds under the Cultural Facilities Grant Program to include both construction and operation.

**LIBRARY FUNDING:**

- SUPPORT the State Aid to Libraries grant program to a funding level of \$0.10 per local support dollar.

**PARKS & RECREATION:**

- SUPPORT legislation amending the application rules for the Florida Department of Environmental Protection Development Assistance Program (FRDAP) to allow for more than three grants to be active/open at one time.
- SUPPORT greenway programs through the State's Department of Environmental Protection.

**ECONOMIC DEVELOPMENT AND FINANCE**

**BASE REALIGNMENT AND CLOSURE (BRAC):**

- SUPPORT legislation that promotes the retention of Homestead Air Force Base Reserve (HARB) and U.S. Southern Command (SOUTHCOM).
- SUPPORT the State of Florida in the development of the permanent facility for SOUTHCOM in Miami-Dade County.
- SUPPORT legislation that would create a regional homeland security facility on County owned property adjacent to HARB.

**ECONOMIC DEVELOPMENT:**

- SUPPORT legislation to change the Agency for Workforce Innovation funding formula so that it is more favorable to Miami-Dade County.
- SUPPORT legislation reauthorizing the State of Florida Enterprise Zone Program including an Urban Initiative Job Creation Pilot Project specifically for areas in the State of Florida's two (2) designated federal urban empowerment zones.
- SUPPORT State funding for the federal empowerment zone program.

**FINANCE/TAXATION:**

- SUPPORT legislation providing that the doctrine that buildings should not be taxed until they are substantially complete applies only to properties damaged by hurricanes and natural disasters, but not to properties damaged by the owner's neglect unrelated to natural disasters.

## ENVIRONMENTAL & WASTE MANAGEMENT

### **WATER USE:**

- SUPPORT legislation that would provide for greater flexibility by the Department of Environmental Protection in determining if administrative fines are to be assessed; while giving deference to the general operations of public utilities.
- SUPPORT legislation and administrative action which recognizes that the needs of utilities and the demand for water by the county must also be met in developing reservations of water.
- SUPPORT legislative and administrative action to protect the County's existing and future investments in the development of Aquifer Storage and Recovery Facilities from adverse impacts.
- SUPPORT legislative and administrative action in requesting the Florida Department of Environmental Protection seek federal funds to support the Florida Area Coastal Environment (FACE) initiative. Further support the Florida Department of Environmental Protection in its administration of the FACE Program.
- SUPPORT continued funding for the State Revolving Fund providing low interest loans for eligible water and wastewater system projects.
- SUPPORT legislation which would encourage water conservation efforts, while allocating state resources made available through Water Protection and Sustainability Program Trust Fund of the Department of Environmental Protection.
- SUPPORT legislation which would require source property owners to be responsible for cleanup activities should contaminants migrate into any property beyond the boundaries of the source property.
- SUPPORT full and continued funding for the Florida Forever Program, Everglades Restoration Projection, Air Pollution Control Program, Beach Erosion Control, Local Water, Flood Control and Drainage Projects, and other local environmental programs that receive State funding.

### **SOLID WASTE MANAGEMENT:**

- SUPPORT reinstatement of statewide funding proposals related to solid waste management services including the Recycling and Education Grant program, the Litter Control and Prevention Grant program and the Waste Tire Grant program.

## GENERAL GOVERNMENT

### **BUILDING AND LICENSING:**

- SUPPORT legislation allowing State licensed contractors to be held responsible for open expired permits they have obtained in the past.
- SUPPORT administrative and/or legislative changes that would expedite the plan review process for permitting septic tank systems where there is duplication between plan reviews performed by the County and the State of Florida Department of Health. These changes may include, but are not limited to, delegation of these reviews by the State to the County.

### **ELECTIONS:**

- SUPPORT legislation allowing supervisors of elections the option to expand or reduce the number of days for early voting, voting hours, and early voting sites including additional public and/or governmental facilities outside of already established public libraries and city halls.

### **CONSUMER SERVICES PROTECTION:**

- SUPPORT legislation that allows for local regulation of consumer services issues such as: regulation, identification, and packaging of meat, poultry, fish; predatory lending; motor vehicle repair shop charges; used auto warranties; and auto title loans.

## HUMAN SERVICES/HOUSING

### **CHILDREN'S SERVICES:**

- SUPPORT legislation creating a pilot program in Miami-Dade County that would allow youths in foster care who do not qualify for the Road to Independence Act scholarships to continue to receive services under court order.

### **HOUSING & HOMELESS PROGRAMS:**

- SUPPORT the SHIP Program; preserving a dedicated funding source for affordable housing initiatives and seek to delay the effective date of the doc stamp cap for affordable housing.

### **HUMAN SERVICES**

- SUPPORT legislation that would allow guardian advocates that make health care decisions on a patient's behalf not be liable or subject to criminal prosecution or civil liability for such action.

## PUBLIC SAFETY

### **FIRE SAFETY:**

- SUPPORT legislation that requires the State Fire Marshal to review any legislation that would modify, enact, or eliminate the state fire code or rule prior to passage, with an option to forward for approval by the Florida Fire Safety Board, the Florida Building Commission, and any other fire boards if deemed necessary by the State Fire Marshal.

### **LAW ENFORCEMENT:**

- SUPPORT an increase in the statutory fees for Miami-Dade Police Department service of process fees to a level that reflects the actual cost incurred.
- SUPPORT the maintenance and increased level of funding for grant programs such as the DNA Backlog Grants and the Paul Coverdell Grants which have greatly assisted in the effectiveness of identifying and apprehending individuals who have committed the crime of Sexual Battery in Miami-Dade.
- SUPPORT an increase, or at least the equitable distribution, of equipment provided by the State to the Sheriff's Offices for the implementation of the Jessica Lunsford Act.
- SUPPORT inclusion of language that clearly defines/distinguishes what offenses constitute the labeling of an offender or predator, so that it is applied consistently by judges.
- SUPPORT legislation which does not allow a convicted sexual offender or predator to reside in a residence with a minor child that is not the birth child of the offender.
- SUPPORT legislation which does not allow a sexual offender to enter a daycare or school unchaperoned, regardless of whether they have a child attending school there.
- SUPPORT legislation which requires sexual offenders or predators to register with the school to include dropping off and picking up children.

### **COURTS/ARTICLE V**

- SUPPORT legislation to protect recording fees currently being allocated for technology support.
- SUPPORT legislation to ensure that each office receives the needed resources when new judges are authorized, including SAO, PDO and Clerks.
- SUPPORT legislation setting a deadline for submitting attorney and expert witness expenses incurred prior to July 1, 2004.

### **EMERGENCY MANAGEMENT:**

- SUPPORT legislation that would require all private schools and licensed day care providers within a ten (10) mile radius of a nuclear power plant to develop and maintain emergency plans including evacuation transportation of their facility.

- SUPPORT legislation for funding to maintain and increase shelter capacity for counties recognized as having a surplus of hurricane shelter space.
- SUPPORT increased funding for the Miami-Dade County Health Department (MDCHD), as the lead agency for the management of Special Needs Evacuation Shelters per Florida Statutes, in order to strengthen their capabilities to respond to emergencies.
- SUPPORT consistent or increased funding levels to Miami-Dade County through the State Homeland Security Grant Program (SHSGP).
- SUPPORT legislation to increase funding for the Hazard Mitigation Grant Program (HMGP) and Pre-Disaster Mitigation Program (PDM) specifically to increase the funding of the HMGP to 15 percent to the aggregate cost of a particular disaster.
- SUPPORT legislation that encourages/requires the State to develop an enhanced mitigation plan so Counties would be eligible to receive 20 percent of the aggregate cost for eligible mitigation projects.

**COMMUNICATIONS:**

- SUPPORT legislation that would create a grant program within the Department of Community Affairs for coordinated 311 non-emergency police and governmental services telephone systems.

**JUVENILE ASSESSMENT CENTERS:**

- SUPPORT continuation of the current statewide formula funding for Juvenile Assessment Centers (JAC).
- SUPPORT continued state funding of the Juvenile Services Diversion Program (formerly JASP) at \$583,000.

**TRANSPORTATION**

**AVIATION FUNDING:**

- SUPPORT legislative funding for aviation capital projects included in FDOT's FY 2007 Work Program and legislation involving transportation inter-modal issues.
- SUPPORT legislative funding for Secure Airports for Florida's Economy (SAFE) Program.
- SUPPORT FDOT funding for the Central Boulevard intermodal connector project, which would be eligible for up to 75% state FDOT funding.

**SEAPORT:**

- SUPPORT continued funding of the Sunshine State Loan Program and the Florida Port Council's efforts in securing funding sources for Florida's seaports.

**B) ITEMS MIAMI-DADE COUNTY OPPOSES:**

**ECONOMIC DEVELOPMENT AND FINANCE**

**COST SHIFTS/BUDGET CUTS:**

- OPPOSE cost shifts to counties as they relate to Article V.

**FINANCE:**

- OPPOSE legislation that changes applicable uses of tourist-related taxes; and SUPPORT legislation that ensures appropriate uses of the tax.
- OPPOSE legislation relating to an additional surcharge on property insurance for governmental entities by Citizens Property and Casualty, specifically the county's Master Property Program.

**ENVIRONMENTAL & WASTE MANAGEMENT**

**WATER USE:**

- OPPOSE legislation such as incentive based permitting or any other legislation that seeks to weaken or bypass the County's environmental permitting processes and/or ability to enforce the code of Miami-Dade County.

**SOLID WASTE MANAGEMENT:**

- OPPOSE any legislation requiring counties to provide certain waste management services at no costs or reduced costs or any legislation seeking to regulate user fees charged.
- OPPOSE any legislation changing the Solid Waste Management Act that would have a detrimental affect on Miami-Dade's solid waste program and that would be inconsistent with the significant investments the County has made in its resource recovery plant.
- OPPOSE changes to the current state of the law which defines waste to energy as renewable, or changes the standards for the purchase of power from renewable sources and grants tax credits.

**GENERAL GOVERNMENT**

**CONSUMER SERVICES PROTECTION:**

- OPPOSE any legislation that intends to weaken local control on current regulated industries such as wrecker services/towing, shopping cart regulation, consumer refund policies, communications tax, general consumer services, ambulances, and/or for-hire-transportation vehicles.

**TRANSPORTATION**

- OPPOSE any additional security-related mandates from the state.

**C) Items Miami-Dade County WILL MONITOR:**

**ENVIRONMENTAL & WASTE MANAGEMENT**

**WATER USE:**

- MONITOR the development of proposed legislation on water reservations, continue evaluating the process of developing such reservations and assess the potential impacts to the County.

**SOLID WASTE MANAGEMENT:**

- MONITOR any legislation regarding the disposal of used electronics to not disproportionately burden local government for segregation, collection, and recycling and management of this waste stream relative to other responsible parties, including the state, electronic manufacturers and retailers, and private waste facilities.

**GENERAL GOVERNMENT**

**BUILDING AND LICENSING:**

- MONITOR state legislative activity regarding the statewide Product Approval Process and the Florida Building Code.

**PLANNING AND ZONING:**

- MONITOR legislation amending growth management rules and local governments' authority.
- MONITOR legislation relating to zoning permitting preemptions.

**TRANSPORTATION**

**SEAPORT:**

- MONITOR existing and/or new seaport security legislation, bills, rules, regulations, and statewide policies affecting seaports.

**INTERMODAL:**

- MONITOR legislation involving transportation intermodal systems including but not limited to major transportation improvement projects as defined in the State Strategic Intermodal System.