

Memorandum



Date: November 3, 2008
To: Honorable Chairman Bruno A. Barreiro and
Members, Board of County Commissioners
From: Joe I. Rasco
Director, Office of Intergovernmental Affairs
Subject: Proposed Draft 2009 State Legislative Package

Agenda Item No. 1(H)1

December 2, 2008

A handwritten signature in black ink, appearing to read "Joe I. Rasco", written over a circular stamp or mark.

RECOMMENDATION

Transmitted herewith is the Miami-Dade County 2009 Preliminary State Legislative Priorities package for your consideration. Additional individual meetings with Commissioners will be scheduled to review the final legislative package.

BACKGROUND

On October 27, 2008, our offices held a final meeting to review the legislative requests submitted by County departments. The County Manager has approved the requests herein from all the departments. The proposed 2009 state package, including priorities, is provided hereto as an attachment.



MIAMI-DADE COUNTY
2009 STATE LEGISLATIVE PACKAGE (DRAFT)

CRITICAL PRIORITIES

Extend the Miami-Dade County Affordable Housing Surtax

SUPPORT legislation that would extend the Miami-Dade County Affordable Housing Surtax on commercial deeds and mortgages beyond its 2011 sunset date.

Crescent Loophole

SUPPORT legislation which would close the "Crescent Loophole" that currently allows some commercial real estate transfers to circumvent the Miami-Dade Affordable Housing Surtax and State Documentary Stamp Taxes.

Jackson Health System

SUPPORT all legislative requests for JHS and the appropriations request to the Legislature to appropriate funds to Jackson in the amount of \$20 million in general revenue to serve as IGT for the Low Income Pool. Last year, the Legislature allocated \$20 million non-recurring general revenue to Jackson Health System to assist our mission of serving the poor.

Sadowski Act Cap Repeal

SUPPORT elimination of the cap on the Sadowski Act Trust Funds for affordable housing.

Preservation of Miami-Dade County Funding

SUPPORT the preservation of funding for all Miami-Dade County programs.



MIAMI-DADE COUNTY 2009 STATE LEGISLATIVE PACKAGE

GUIDING PRINCIPLES

Home Rule and Preemption: SUPPORT the preservation of local home rule; and OPPOSE any effort to preempt local authority.

State Funding, Cost Shifts and Unfunded Mandates: SUPPORT the preservation of funding for all county programs; and OPPOSE any additional cost shifts or unfunded mandates from the state to the county, and any reductions in county revenue, revenue sharing, or funding from the state.

Protect Previous State Funding – SUPPORT efforts to secure the same level of state funding for County programs as last year.



MIAMI-DADE COUNTY
2009 STATE LEGISLATIVE PACKAGE

DEPARTMENTAL LEGISLATIVE REQUESTS
(alphabetically by department, then prioritized)

AGRICULTURE

Illegal Dumping - SUPPORT legislation which would increase penalties for illegal dumping on bona-fide agricultural lands.

BUILDING CODE COMPLIANCE OFFICE

Florida Building Code and Product Approval - MONITOR legislation regarding the Statewide Product Approval Process and Florida Building Code.

Inactive Permits - SUPPORT legislation that would allow local governments to issue citations for inactive permits to state licensed contractors.

OFFICE OF CAPITAL IMPROVEMENT (OCI)

Architectural and Engineering Contracts – SUPPORT legislation that would increase the limits for construction costs and planning activities by architects and engineers in the Consultants' Competitive Negotiation Act (CCNA).

OFFICE OF COMMUNITY ADVOCACY

Equal Rights Amendment – SUPPORT passage of a concurrent resolution by the Legislature of the Equal Rights Amendment (ERA) ratification.

CONSUMER SERVICES

For Hire Transportation Preemption - OPPOSE legislation that would preempt or limit For Hire Transportation that would impact the County's authority to approve or restrict transfers of taxicab, jitney, limousine, or other passenger vehicle for-hire licenses.

Towing, Moving, and Locksmith Regulation – OPPOSE any efforts to preempt the county from regulating the towing, moving and locksmith industries.

84

Ambulance Preemption – OPPOSE any initiative that would preempt or limit County issuance of certificates of public convenience and necessity and regulatory control over public and private ambulance service providers.

Regulate Taxicab Lease Rates – SUPPORT legislation allowing local governments to regulate for-hire transportation lease rates, including taxicab lease rates, which for-hire taxicab chauffeurs pay to for-hire license owners and taxicab companies.

Tour Guides as Sellers of Travel Preemption - SUPPORT legislation that would remove the preemption currently prohibiting local governments from regulating tour guides as a seller of travel, or in the alternative, remove “tour-guide services” from the definition of “sellers of travel” under all sections of Florida Statute 559.

CORRECTIONS AND REHABILITATION

Arrest Authority for Correctional Officers - SUPPORT legislation that would allow correctional officers limited arrest authority within County jail detention facilities and their surrounding perimeter.

Blue Lights for Corrections Vehicles - SUPPORT legislation that would allow vehicles owned or operated by county corrections departments to display blue lights when responding to emergencies.

Revenue stream for additional training for certified law enforcement and correctional officers – SUPPORT an increase in court costs to improve and provide additional training to all certified law enforcement, correctional officers and correctional probation officers throughout the state, similar to what was filed in HB 869 for the 2008 session.

CULTURAL AFFAIRS

Cultural Affairs Funding - SUPPORT increasing statewide budget allocation for cultural affairs programming, cultural facilities and regional cultural facilities grants.

ELECTIONS

HAVA Funds - SUPPORT the release of federal funds intended for counties to purchase voting equipment through the Help America Vote Act (HAVA), but currently being used by the Florida Secretary of State.

Modification of Election Audit Rules – SUPPORT legislation that would allow the county canvassing board to nominate a designee to conduct the post-election manual audit, and to allow the Supervisors of Elections to audit at least 1 percent but not more than 2 percent of randomly selected precincts and/or voting units in a particular election as opposed to the current requirement of an audit of 1 to 2 percent of precincts only.

Expand Early Voting and Hours of Operation – SUPPORT legislation that would allow Supervisors of Elections greater flexibility related to the hours of operation for early voting and the ability to opt out or provide limited early voting for smaller municipal elections.

Expand Facilities that can be used as Early Voting Sites – SUPPORT legislation that would provide the Supervisors of Elections greater flexibility to designate facilities that would better serve the voting population.

Community Development District Elections – SUPPORT legislation that would allow elections for community development districts to be conducted via mail.

ENVIRONMENTAL RESOURCES MANAGEMENT

Adopt-a-Tree – SUPPORT sources of alternative funding for Miami-Dade County's Adopt-a-Tree program.

FILM AND ENTERTAINMENT

Film and Entertainment Industry Incentive Funding – SUPPORT incentive funding for the Film and Entertainment industry in an effort to spur economic development.

FINANCE

Homestead Tax Deferral – SUPPORT legislation that would extend the deadline to file an application to defer taxes from January 31 to March 31.

NAICS Codes – SUPPORT legislation which would amend FS 205.0535 to authorize counties and municipalities to reclassify local business tax classifications to include nationally recognized business classification systems.

GENERAL SERVICES ADMINISTRATION

Leases on County Properties - SUPPORT legislation that would allow counties greater flexibility in negotiating leases of county property for stores, restaurants and concessions at parks, administrative buildings and other county facilities.

HOMELESS TRUST

Domestic Violence Centers - SUPPORT a clarification of the uses of food and beverage tax revenues to allow their use not only for the construction of domestic violence centers and the operation of those centers, but also the operation of domestic violence centers not constructed with these proceeds, and other domestic violence programs.

JACKSON HEALTH SYSTEM (JHS) (provided directly from Jackson)

Low Income Pool (LIP) - Jackson provides the largest amount of charity care in the state and is the largest provider of tax dollars for the LIP program. Jackson asks the Legislature to maintain current levels of funding and policies for the LIP program, distributing funds based on the level of charity care and Medicaid volumes, and rewarding communities, such as Miami-Dade, for our participation in providing IGT.

Half-Penny Sales Tax Cap - Jackson currently obtains a ½ penny sales tax on all purchases of \$5,000 or less. In order to generate additional funding on a recurring basis, we are going to request the state remove the \$5,000 cap. By removing this cap, Jackson Health System can obtain approximately \$30 million of additional funding.

Medicaid Provider Reimbursement Rates - As the state's largest Medicaid provider, Jackson reimbursement rates have been reduced over the past few years and we are being paid approximately 7% below cost. We also urge the legislature to find recurring sources of funding for critical programs and services that ensure adequate health access for the poor and needy of the state, such as the Medically Needy Program and Adults & Disabled Program.

Medicaid Reform - It is critical to monitor the implementation and transition of Medicaid reform in the pilot counties of Broward, Duval, Nassau, Clay and Baker as it relates to statewide implementation. The Provider Service Networks, which include Jackson, North & South Broward and Shands Jacksonville are working on legislative fixes to a number of PSN issues related to Medicaid reform. We oppose further expansion of reform into Miami-Dade County without significant changes to the existing pilot.

Managed Care Issues - The managed care organizations are consistently supporting efforts to eliminate fee-for-service payments to hospitals and enroll all Medicaid recipients in managed care plans. This would cause a reduction in payments for Jackson as well as limit care and choice to Medicaid recipients.

Non Contracted Rate Payments Issues - Currently certain hospitals, including JMH, qualify to receive a higher rate of Medicaid reimbursement. Managed care organizations have refused to pass along this higher rate that is embedded in their premiums to those qualifying hospitals in non-contracted situations. The language is unclear and as such we are supporting legislation that would clarify this issue.

Trauma Issues - Jackson will continue to advocate for additional state funding for trauma centers by identifying additional revenue streams, such as increased fines and penalties that will bolster the existing trauma funding.

Transplant Issues - Jackson Health System performs numerous Medicaid organ transplants every year; overall, these cases are performed at a significant loss. The Agency for Health Care Administration (AHCA) has recognized the reimbursement inequities associated with transplants. We will work with AHCA to have them submit a

legislative budget request to the Governor and The Legislature to enhance transplant reimbursement.

JUDICIARY AND COURT SYSTEM

Traffic Magistrates – SUPPORT a dedicated revenue source, such as a \$3 court cost surcharge on traffic tickets, to fund traffic magistrates

Court System – SUPPORT adequate state funding of the Court System, State Attorneys Offices, Public Defenders Offices, and Regional Conflict Counsel Offices

LIBRARIES

State Aid to Libraries – SUPPORT an increase of state aid to libraries to an allocation of 10 cents for every local dollar spent.

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT

Extend the Miami-Dade Affordable Housing Surtax – SUPPORT legislation that would extend the Miami-Dade Affordable Housing Surtax on commercial deeds and mortgages beyond its 2011 sunset date.

OFFICE OF COUNTYWIDE HEALTHCARE PLANNING

Premium Subsidy Program for Miami-Dade Blue health plan – SUPPORT funding from the Low Income Pool for the Miami-Dade Blue Health Plan Pilot Program.

Liberty City Clinic Capital Construction – SUPPORT funding in the amount of \$22 million for a new health facility in the Liberty City area.

Miami-Dade County Health Department Main Complex, Phase III – SUPPORT funding to construct an additional building at the Miami-Dade Main Complex, to house Children's Medical Services and the Miami-Dade Health Department Refugee Clinic.

OFFICE OF EMERGENCY MANAGEMENT

Emergency Management Program Trust Fund – SUPPORT legislation restoring the Emergency Management Program Trust Fund to its original intent as a funding source for local emergency management programs.

Emergency Management Program Assistance – SUPPORT legislation that broadens the base of policies in which the EMPA fee is imposed to include all insurance policies to close the loopholes in the EMPA trust fund.

PARKS AND RECREATION

78

Florida Recreation Development Assistance Program (FRDAP) – SUPPORT legislation which that allow an entity to have more than three grants active/open at one time and still be allowed to apply for 2 new grants per year.

PLANNING AND ZONING

Mobile Home Relocation Plan – SUPPORT legislation that would assist mobile home owners and tenants and owners in the event of a mobile home park's conversion to another land use.

PUBLIC WORKS

Venetian Causeway – SUPPORT funding for the design and construction costs for the replacement of the 12 bridges of the Venetian Causeway.

Tamiami Canal Historic Swing Bridge – SUPPORT funding for the replacement of the Tamiami Canal Historic Swing Bridge.

Old William Powell Bridge – SUPPORT funding for the demolition and replacement of the Old William Powell Bridge.

Sonovoid Slab Bridges – SUPPORT funding for the structural rehabilitation of the 95 existing Sonovoid Slab bridges in Miami-Dade County.

SEAPORT

Transportation Intermodal Issues – MONITOR legislation and other action involving transportation intermodal issues including but not limited to major transportation improvement projects as defined in the State Intermodal System as it relates to access to and from the Port of Miami.

Seaport Capital Program - SUPPORT efforts to secure dedicated funding sources for capital projects at Florida seaports, and continued funding from FDOT to assist the Port of Miami in its capital improvement projects.

Seaport Security - MONITOR legislation related to state security mandates on Florida Ports that both positively and negatively effect operations.

SENIOR ADVOCATE

Local Services Programs – OPPOSE any decrease or elimination of funds for Local Services Programs.

General Revenue Funds – SUPPORT increase in funds for General Revenue programs.

SOLID WASTE MANAGEMENT

Section 215 of the Federal Power Act – SUPPORT legislation that would restore exemptions of qualifying facilities from certain requirements of Section 215 of the Federal Power Act by the Federal Energy Regulatory Commission.

Renewable Energy – SUPPORT legislation which reflect DSWM's ongoing efforts to both preserve waste-to-energy's inclusion in applicable definitions of "renewable energy" and "green energy" and to provide incentives and other support for the production of such renewable energy.

Littler Law Penalties – SUPPORT legislation increasing penalties for littering.

Used Electronics Waste Stream – OPPOSE legislation that places disproportionate burdens on local government for segregation, collection and recycling and management of this waste stream relative to other responsible parties, including the state, the electronics manufacturers and retailers, private waste facilities and generators.

Disposal Fee Equity – OPPOSE legislation requiring counties to provide certain waste management services at no cost or at reduced cost and/or any legislation seeking to regulate use fees charged.

WATER AND SEWER

Alternative Water Supply Funding – SUPPORT continuation of partnerships between Water Management Districts (WMDs) and local and regional public or private water utilities; SUPPORT grants of sufficient scale to motivate public or private water utilities to research and develop alternative water supply; SUPPORT significantly increased funding for the alternative water supply development cost-share grant program using dedicated state and WMD funding sources; SUPPORT WMDs must provide an equitable, cost effective distribution of funds among all types of alternative water supply projects (i.e.: reservoirs, aquifer storage and recovery, reuse, and desalination (brackish groundwater or surface water, and seawater), regardless of the size of the public or private water utility, that addresses both regional and/or local needs in a cost effective manner; SUPPORT a reduction in the maximum public or private utility contribution to no more than fifty percent.

Water Use Efficiency and Conservation – SUPPORT implementation of Conserve Florida as a statewide Comprehensive Water Conservation planning development tool for utilities and Water Management Districts; SUPPORT legislation that 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.

Linking Water Supply and Growth – SUPPORT legislation that would establish a base percentage rate for each WMD's budget to fund alternative water supply projects;

and that would require WMDs to dedicate a percentage of their annual growth in ad valorem tax revenues to these projects; SUPPORT increased state and WMD financial support to assist local and regional public or private water utilities with future alternative water supply development.

State Revolving Loan Fund – SUPPORT continued funding of the State Revolving Fund providing low interest loans for eligible water and waste water system projects.

Water Governance and Reservations – MONITOR legislation that would preempt local control over feasibility, reuse, water pricing and comprehensive planning activities; MONITOR proposed legislation on water reservations, continue evaluating the process of developing such reservations and assess the potential impacts to the County.

Fire Hydrants – OPPOSE legislation that would preempt local control and any unfunded mandate requiring internal check-valve devices for fire hydrants.



MIAMI-DADE COUNTY
2009 STATE LEGISLATIVE PACKAGE

DEPARTMENTAL APPROPRIATION REQUESTS
(listed alphabetically by department, then prioritized)

DERM

Beach Erosion Control - \$5,858,024

This request is for the State to appropriate funds for several Miami-Dade County beach erosion control activities, including a beach renourishment project administered by the Army Corps utilizing the last remaining borrow site in MDC. The other project is for truck hauling sand in smaller quantities to eroded areas in Miami Beach, Bal Harbour, and Sunny Isles Beach.

Biscayne Bay Surface Water Quality Monitoring Program - \$225,000

The State and MDC have been cooperatively funding this program for over 25 years. This request is for continued State support of this ongoing water quality monitoring program. This program includes monthly collection and analyses of samples from 100 locations in Biscayne Bay, Miami River, and the network of flood control canals.

JACKSON HEALTH SYSTEM

JHS Indigent Care - \$20 Million

JHS is requesting \$20 million in general revenue to serve as IGT for the Low Income Pool, which is the same as appropriations request as last year for this project. Last year, the Legislature allocated \$20 million non-recurring general revenue to Jackson Health System to assist our mission of serving the poor.

HOMELESS TRUST

Jail Diversion Gap Funding - \$500,000

This appropriations request is required to continue the Gap Funding Project to assist homeless individuals served by the 11th Judicial Circuit Criminal Mental Health Project's Jail Diversion Program.

HUMAN SERVICES

Elderly High Risk Nutritional Meals Program - \$671,250

Appropriations request is to fund this program that provides supplemental nutritional meals to elderly County residents who are assigned as "high risk" and/or in danger of malnutrition who participate at congregate meal sites.

ITC

Jay Malina International Trade Consortium Trade Missions Program - \$100,000

This program provides opportunities to Miami-Dade businesses interested in conducting and supporting various trade initiatives. Funding for this program would be used to conduct ITC led business development missions, attract additional business participation on ITC missions, conduct research associated with trade, and conduct seminars and workshops expanding trade.

PARKS AND RECREATION

Deering Estate at Cutler - \$500,000

These funds shall be used to support a list of projects for the improvement of Deering Estate at Cutler. In particular, these improvements would provide enhanced environmental stewardship of the Estate's natural resources, enhanced stewardship of the Estate's historical and archeological resources, and better public use of the Estate's 444 acre public facility.

Florida Exhibit at Metrozoo - \$500,000

This funding request is for construction of a \$3M Florida Black Bear and Florida Panther complex within the planned \$31M Florida exhibit at Metrozoo.

POLICE

Join a Team, Not a Gang - \$200,000

Funding request is to support a gang prevention program which currently serves 21,000 children in 200 schools and is currently staffed by 1 sergeant and 24 officers.

PUBLIC WORKS

High Crash Intersection Improvement - \$500,000

These funds will allow the improvement of traffic mobility, capacity and operational

safety in Miami-Dade County as well as improve quality of life and safety to the residents.

SOLID WASTE

Waste Tire Fee Revenue.

SUPPORT a majority of total funds generated through waste tire fees being distributed back to the counties in which they are generated for solid waste programs.

Development of New Construction Materials for the Beneficial Use Waste-to-Energy Ash - \$250,000

SUPPORT a research project to make beneficial use of ash produced by Miami-Dade County's Waste-to-Energy plant. This plant produces more than 100,000 tons of ash annually. The ash has been landfilled since start-up of the facility 24 years ago and about 3 million tons of ash is available from this stockpile. Currently, limerock is used to construct the roadbed of new streets, widening or for the complete reconstruction of existing streets. Ash is an alternative solution to the increasing cost of virgin material, the increasing demand by competing businesses and the potential for severe restrictions in limerock mining in SE Florida,

TRANSIT

Orange Line Phase 2&3: \$613,000,000

SUPPORT funding for the Metrorail Extension. The Florida Department of Transportation has recognized heavy rail as a new priority method of transportation.

Bus Procurement Plan - \$6,000,000.

SUPPORT funding an enhanced bus fleet that will allow Miami-Dade County to improve regional transportation links and provide better connectivity to existing bus routes, Metrorail, Metromover, Tri-Rail commuter service and Broward County Transit.

7th Avenue transit Village - \$2,000,000

SUPPORT funding the Transit Village, which is expected to develop affordable housing units while serving the transit needs of the community and acting as a catalyst to economic development for the area.

Transit Security System - \$2,500,000

SUPPORT funding the Transit Security System upgrade that will enable Miami-Dade County to enhance and install security and surveillance systems throughout the County's transit properties and vehicles. Enhancements include: installation of real-time

surveillance systems throughout transit operations and maintenance facilities, upgrading onboard bus surveillance, and placing digital monitoring and recording systems on revenue vehicles.

WASD

Biscayne Bay Coastal Wetlands Rehydration Pilot Project – \$2,500,000

SUPPORT funding project to investigate the applicability of using highly treated wastewater effluent to replace the historic freshwater flows that once were discharged into the coastal wetlands of Biscayne Bay. The total amount of funding needed for this project is 11,150,000 over the course of five years. The full scale project will increase the quantity and improve the quality of water currently discharged into Biscayne Bay and Biscayne National Park.

Ocean Outfall Abandonment Planning - \$500,000

SUPPORT funding for start-up planning of project to eliminate ocean outfall discharges. This project should reduce the discharge of total suspended solids to offshore waters by 3,896 tons per year, total nitrogen by 5,642 tons per year phosphorous by 609 tons per year.

South Miami Dade Potable Water Transmission Pipelines - \$5,500,000

SUPPORT funding for the construction of 36-inch Potable Water Transmission Pipelines in South Miami-Dade County; approx. 36,080 linear footage. This project will enable residents and businesses in areas of South Miami Dade to connect to Miami-Dade County Water Distribution System, and provide them with potable water and fire protection. This project will bring the community up to the required Miami-Dade Code.

Miami-Dade County Floridian Aquifer Blending Wells - \$5,300,000

SUPPORT funding project to develop additional water resources from the upper Floridian Aquifer and to use that water for blending with water from the Biscayne Aquifer prior to treatment. The Floridian Aquifer Blending Wells will be the first Alternative Water Supply Project that Miami-Dade County will implement. Through the installation and operation of the Floridan Aquifer Blending Wells, the demands on the Biscayne Aquifer will be reduced, Miami-Dade County will be able to produce drinking water to allow for growth and development as well as implement alternative water supply technologies.