

**MEMORANDUM**

Substitute  
Agenda Item No. 1(I)(1)

---

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** November 16, 2010

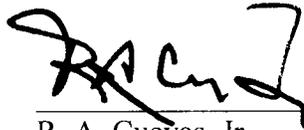
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Proposed 2011 State Legislative  
Package

---

**This substitute differs from the original in that it revises the critical priorities for the 2011 session of the Florida Legislature and makes various revisions to the departmental state legislative requests as set forth in the attached.**

The accompanying report was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



---

R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** November 16, 2010

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Substitute  
Agenda Item No. 1(I)(1)

**Please note any items checked.**

- "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**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous\_\_\_\_) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

# DRAFT



## MIAMI-DADE COUNTY 2011 STATE LEGISLATIVE AGENDA

### CRITICAL PRIORITIES

- >>State funding/budget: *PRESERVE* state funding for County programs and important community programs and *OPPOSE* efforts to cost shift additional financial and programmatic obligations from the state to local governments, in light of the state budget situation and declining state revenues.<<<sup>1</sup>
- >>Elderly Services: *PRESERVE* funding currently received in the area of elderly services, including programs for elderly high-risk meals and homebound elderly and funding for community care and Local Service Providers.<<
- >>TABOR and other restrictions on local revenue: *OPPOSE* legislation that further restricts local-decision making related to revenue and expenditures. <<
- >>Pretrial Release: *OPPOSE* legislation that would place arbitrary statutory restrictions on pretrial supervision programs.<<
- >>Sovereign Immunity/University of Miami: *SUPPORT* legislation extending sovereign immunity to the University of Miami and its Miller School of Medicine for providing healthcare services to Miami-Dade County Public Health Trust patients.<<
- [[~~Jackson Health: *PRESERVE* current state funding for charity care to Jackson Health System as burdens on Jackson continue to increase as revenue declines; *MONITOR* Medicaid reform initiatives so as to ensure Jackson and Miami-Dade County are not adversely affected.~~]]

---

<sup>1</sup> The differences between the substitute and the original item are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

- ~~[[Elderly Services: *PRESERVE* funding currently received in the area of elderly services, including programs for elderly high risk meals and homebound elderly and funding for community care and Local Service Providers.]]~~
- ~~[[Pretrial Release: *OPPOSE* legislation that would place arbitrary statutory restrictions on pretrial supervision programs.]]~~
- ~~[[State funding/budget: *PRESERVE* state funding for County programs and important community programs and *OPPOSE* efforts to cost shift additional financial and programmatic obligations from the state to local governments, in light of the state budget situation and declining state revenues.]]~~
- ~~[[Immigration: *OPPOSE* legislation similar to SB 1070 that was passed in Arizona.]]~~



## MIAMI-DADE COUNTY 2011 STATE LEGISLATIVE AGENDA

### GUIDING PRINCIPLES

- **Home Rule and Preemption:** *SUPPORT* preservation of local home rule; *OPPOSE* any effort to preempt local authority.
- **State Funding, Cost Shifts and Unfunded Mandates:** *SUPPORT* preservation of existing state funding for 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. *OPPOSE* any measure that would adversely affect County revenues, including in the area of property taxes.
- **Protect Previous State Funding:** *SUPPORT* efforts to secure the same level of state funding for County programs as last year.
- **Promote Partnerships:** *SUPPORT* partnerships with the state, other counties, municipalities, statewide associations and any other entity that would help to create favorable outcomes for the County.



## Miami-Dade County 2011 State Legislative Agenda

### Departmental Requests

#### A.D.A. Coordination

- **Accessible Parking Reform:** *SUPPORT* legislation that would curb current abuses that exist with regards to accessible parking spaces and placards.

#### Agriculture

- **Farm Winery, Brewery, and Distillery:** *SUPPORT* legislation that recognizes fruit and other crops as wine ingredients and expands exemptions for farm wineries to farm breweries and distilleries.

#### Aviation

- **Funding of Capital Projects:** *SUPPORT* full funding of Aviation capital projects included in the Florida Department of Transportation's FT 2011-2012 Work Program and **OPPOSE** any efforts that will result in reduction of funding to the work program.
- **Sales Tax Exemptions:** *MONITOR* legislation that would repeal the sales tax exemptions on aircrafts.
- **Pilot Programs/SAFE Program:** *SUPPORT* funding for enhancement of security and safety, particularly through pilot programs and *SUPPORT* full funding of the Secure Airports for Florida's Economy Program.

## Animal Services

- **Animal Control and Cruelty Civil Violation Surcharge:** *SUPPORT* legislation which would expand the use of proceeds generated from the \$5 surcharge fee on civil violations to fund other operating expenses, in addition to animal control training programs.

## Community Action Agency

- **Community Services Block Grant (CSBG):** *SUPPORT* legislation that would ensure the appropriation of state dollars to augment federal funding the state receives through the CSBG Act.

## Consumer Services

- **National Criminal Background Checks:** *SUPPORT* legislation that would allow Miami-Dade County to conduct a national criminal background check on all for-hire chauffeurs.
- ~~[[Preemption of For-Hire Transportation and Ambulance Regulations: *OPPOSE* legislation that would impact local regulation of for-hire transportation.]]~~
- ~~[[Preemption of Towing, Moving, Locksmith or Motor Vehicle Repair: *OPPOSE* legislation that would impact local regulation in the areas of towing, moving, locksmiths and motor vehicle repair.]]~~
- **Taxicab Lease Rates:** *SUPPORT* legislation clarifying that Miami-Dade County may impose reasonable price controls on certain for-hire transportation lease-rates.
- ~~[[Local Regulation of Tour Guides: *SUPPORT* legislation which would remove preemption to the state which currently exists on local regulation of tour guides.]]~~

## Corrections

- **Limited Arrest Authority:** *SUPPORT* legislation that allows correctional officers limited arrest authority within detention facilities.
- **Lewd or Lascivious Behavior:** *SUPPORT* legislation that would expand the third degree felony currently in place for lewd or lascivious behavior in state or private jails to county detention centers of jails.

## Cultural Affairs

- **Cultural Affairs Grants:** ~~[[*SUPPORT* an increase]]~~ *MAINTAIN* funding for the statewide budget allocation for cultural affairs grants.

## DERM

- **Beach Erosion:** *MAINTAIN* a dedicated funding source for statewide beach erosion control activities.
- **Contamination of Water Wells:** *MAINTAIN* sufficient funding to investigate contamination of private drinking water wells and to respond to contamination.
- **Inland Protection Trust Fund:** *MAINTAIN* full funding from the Inland Protection Trust Fund for the Florida Petroleum Cleanup Program to remediate contaminated sites.

## Elections

- **Early Voting:** *SUPPORT* legislation that would allow counties to opt out of early voting or modify the days and hours of operations for elections called by the county >>and expand the allowable facilities eligible for use as an early voting site.<<
- ~~[[**Early Voting Sites:** *SUPPORT* legislation that would expand the allowable facilities eligible for use as early voting sites.]]~~
- **HAVA Funds:** *SUPPORT* reimbursement of funds that have been and will be spent by Miami-Dade County in order to comply with the state-mandated voting equipment conversion to the optical scan voting system and ADA-compliant equipment.
- ~~[[**Committeeman/Committeewoman Elections:** *SUPPORT* legislation that would remove the party Executive Committeeman and Committeewoman races from the Primary Election ballot during a presidential year.]]~~
- **Community Development District Elections:** *SUPPORT* legislation that would allow for Community Development District elections to be conducted by mail.
- ~~[[**Absentee Ballot Security Envelopes:** *SUPPORT* legislation that would allow counties to utilize security enhanced envelopes for absentee ballots.]]~~

- ~~[[**Election Audit Rules:** *SUPPORT* legislation that would allow 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.]]~~

## Emergency Management

- **Florida Building Commission/High Velocity Hurricane Zone:** *SUPPORT* legislation that would expand membership on the Florida Building Commission, impose term limits on membership, and define the High Velocity Hurricane Zone and *SUPPORT* the protection of High Velocity Hurricane Zone from building code amendments that weaken local code.
- **EMPA Trust Fund:** *SUPPORT* legislation that would broaden the base of policies in which the Emergency Management Preparedness Assistance Trust Fund fee is imposed, to include all insurance policies, while also closing existing loop holes.

## Finance

- **Homestead Tax Deferral Application Deadline:** *SUPPORT* legislation that would provide for the extension of the deadline date to file an application from January 31 to March 31.

## Fire Rescue

- **Vehicle Cloning:** *SUPPORT* legislation which would lead to the prevention of the cloning of fire rescue vehicles.
- **False Impersonation of a Firefighter:** *SUPPORT* legislation which would include impersonation of a firefighter as a criminal offense, and define the punishment for such an offense.

## General Services Administration (G.S.A.)

- **County Leases:** *SUPPORT* legislation that would allow local governments to negotiate, rather than competitively bid, leases for up to five years.
- **Repackaged Drugs:** *SUPPORT* legislation that would limit the reimbursement of relabeled and repackaged drugs distributed by physicians in workers compensation cases.

## Homeless Trust

- **Gap Funding:** *SUPPORT* funding to continue the Gap Funding Project to assist homeless individuals served by the Eleventh Judicial Circuit Criminal Mental Health Project's Jail Diversion Program.
- **Crisis Outplacement Beds:** *SUPPORT* funding to continue the Crisis Outplacement Bed Program to assist homeless individuals served by the Eleventh Judicial Circuit Criminal Mental Health Project's Jail Diversion Program.

## Human Services

- **Elderly High-Risk Meals:** *SUPPORT* funding for the elderly high-risk meals program.
- **Wait List Reduction:** *SUPPORT* funding to reduce the waiting list for elderly in-home support services.

## Jackson Health System

- >>Jackson Priorities: *SUPPORT* Jackson Health System's priorities for the 2011 legislative session.<<

## Library

- **State Aid to Libraries:** *SUPPORT* the maintenance of funding for the State Aid to Libraries program at \$31 million, which would allow for a (federal?) match of approximately 4 cents on the dollar, or an estimated \$3.2 million.

## Office of Capital Improvements

- **Design-Build and Architectural/Engineering Selection Process:** *SUPPORT* legislation that would revise language which mandates the qualification and selection of no fewer than three firms as the most qualified for both Design-Build and Architectural and Engineering selection process.

## Office of Countywide Healthcare Planning

- **Miami-Dade Premium Assistance Program:** *SUPPORT* funding under the LIP program for the Miami-Dade Premium Assistance Program-Health Insurance Utilization Program.
- ~~>>Miami-Dade County Health Department: *SUPPORT* funding requests put forth by the Miami-Dade County Health Department.<<~~
- ~~[[Miami-Dade Health Department/FIU Academic Health Department: *SUPPORT* funding to construct the facility for the Miami-Dade County Health Department and FIU Academic Health Department through proceeds received through debt issued by the Florida Department of Management Services.\*]]~~
- ~~[[Liberty City Clinic Capital Construction: *SUPPORT* funding for a new healthcare facility to be located in Liberty City.\*]]~~
- ~~[[Florida City Clinic Capital Construction: *SUPPORT* funding for a healthcare facility to be located in Florida City.\*]]~~
- ~~[[Miami-Dade County Health Department Main Complex/Phase II: *SUPPORT* funding to phase three of construction of the Miami-Dade County Health Department's main complex, including the New Clinic Tower and parking garage.\*]]~~

~~[[\* The final four requests in this section were filed through Office of Countywide Healthcare Planning by the Miami-Dade County Health Department.]]~~

## Parks and Recreation

- **Fit to Play Program:** *SUPPORT* funding of the Fit to Play Program, which is designed to help children achieve better health through physical activities and wiser eating habits.
- **Off-Highway Vehicle Recreation Area:** *SUPPORT* funding to complete all project elements of the Off-Highway Vehicle Recreation Area, including land acquisition, planning and design and development.
- ~~[[Exotic Wildlife Control: *SUPPORT* funding for expansion of the exotic wildlife control program to expand the capability of the land managing division to coordinate with state and federal control programs, initiate local control programs for exotic wildlife, establish a trapping campaign using private contractors and educate the public.]]~~
- **Florida Recreation Development Assistance Grant Program (FRDAP):** *SUPPORT* full funding for the FRDAP program by the Legislature.

## Police

- **Public Resource Accountability and Profiteering Act:** *SUPPORT* legislation which would seek criminal penalties where public resources are transferred, awarded, or granted, then intentionally used improperly, misappropriated, or redirected from their intended or authorized use.

## Procurement

- **Repeal of 511:** *SUPPORT* passage of a Memorial to Congress urging the repeal of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005.

## Public Works

- **Venetian Causeway Bridges:** *SUPPORT* funding to complete replacement of the 12 bridges on the Venetian Causeway.
- **Tamiami Canal Swing Bridge:** *SUPPORT* funding for design and construction of a replacement of the Tamiami Canal Swing Bridge.
- **Advanced Traffic Management Systems:** *SUPPORT* funding to complete implementation and system enhancements to the advanced traffic management systems.

## Seaport

- **Deep Dredge:** *SUPPORT* a ~~[[resolution]]~~ >>memorial<< by the Florida Legislature in support of federal funding for the deep dredging project.
- **Seaport Security:** *MONITOR* any bills, rules, regulations or policies related to security in Florida's seaports.
- ~~[[Florida Ports Council: *SUPPORT* the efforts of the Florida Ports Council.]]~~
- **Transportation Intermodal Issues:** *MONITOR* any bills or policies involving transportation intermodal issues, including the strategic intermodal system.

## Senior Advocate

- ~~Increased~~ >>Maintain<< **Funding of General Revenue Programs:** *SUPPORT* ~~[[an increase in]]~~ >>maintenance of<<< funding of elderly programs funded through general revenue, with an emphasis on local service providers.

## Solid Waste

- **Renewable Energy:** *SUPPORT* preserving waste-to-energy inclusion in applicable definitions of renewable energy and green energy, and provide incentives and other support for the production of such renewable energy.
- **Florida Litter Law:** *SUPPORT* legislation which would impose harsher penalties for violations of Florida's litter law.
- **Recycling:** *MONITOR* legislation related to the goal of the recycling of 75>>percent<<[[%-]] of municipal waste by 2020.
- ~~[[Local Solid Waste Program Tire Grant Funding: *SUPPORT* equitable treatment of all counties for funding through the Local Solid Waste Program Tire Grant program.]]~~

## Sustainability

- **Energy/Renewable Energy:** *SUPPORT* a series of legislative initiatives which would bring Miami-Dade County energy efficiency and renewable energy generation in order to provide economic, environmental, and quality of life benefits to home and building owners.
- **Southeast Florida Regional Climate Change Compact:** *SUPPORT* state policies as listed in the South Florida Regional Climate Change Compact signed by Miami-Dade, Broward, Palm Beach and Monroe Counties.
- **Urban and Community Forestry Programs:** >>MAINTAIN<<[[*SUPPORT*]] ~~[[an increase in]]~~ state funding for the Urban and Community Forestry Programs...including Florida Department of Transportation funding to plant trees on state roads.

## Tourism

- >>Local Regulation of Tour Guides: *SUPPORT* legislation which would remove preemption to the state which currently exists on local regulation of tour guides.<<

## Water and Sewer

- **Ocean Outfall Legislation:** *SUPPORT* legislative changes which would increase compliance options and decrease costs of compliance related to recently passed ocean outfall legislation.
- **Public Records:** *SUPPORT* legislation creating a public records exemption for the personal information of government utility customers.
- **Biscayne Aquifer/Groundwater Model:** *SUPPORT* funding of the Biscayne Aquifer Surface/Groundwater Model project, as related to recently passed ocean outfall legislation.
- **Integrated Water, Wastewater, and Reclaimed Water Master Plan (Outfall Study):** *SUPPORT* funding of the integrated water, wastewater, and reclaimed water master plan, as related to recently passed ocean outfall legislation.
- ~~[[Pump Station Optimization Program: *SUPPORT* funding for pump station optimization program, as related to a consent decree with the U.S. Environmental Protection Agency to upgrade wastewater collection systems.]]~~