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MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT DRAFT 2 - 1999 LEGISLATIVE PROGRAM	TYPE AGENDA ITEM REGULAR
DATE REQUESTED DECEMBER 1, 1998	DATE SUBMITTED/REVISED NOVEMBER 30, 1998
BRIEFINGST/WHO? NONE	CONSEQUENCES IF DEFERRED NONE
DEPARTMENT/DIVISION COUNTY ADMINISTRATOR	AUTHORIZED BY JIM SEUFFERT TITLE DIRECTOR, FMD
CONTACT PERSON JIM SEUFFERT TELEPHONE/EXTENSION EXT. 3760	PRESENTER/TITLE JIM SEUFFERT TELEPHONE/EXTENSION EXT. 3760
ADMINISTRATIVE APPROVAL	

ACTION DESIRED

INDICATE WHETHER ¹REPORT OR ²DISCUSSION, ³FORM OF MOTION, OR ⁴OTHER ACTION REQUIRED:

DISCUSSION OF THE 1999 LEGISLATIVE PROGRAM; DIRECTION TO STAFF.

ENABLING/REGULATING AUTHORITY

FEDERAL/STATE LAW(S), ADMINISTRATIVE RULING(S), MANATEE COUNTY COMP PLAN/LAND DEVELOPMENT CODE, ORDINANCES, RESOLUTIONS, POLICY.)

NONE

BACKGROUND/DISCUSSION

- DURING ITS MEETING OF NOVEMBER 3, 1998, THE BOARD OF COUNTY COMMISSIONERS DISCUSSED THE DRAFT LEGISLATIVE PROGRAM AND RECOMMENDED SEVERAL CHANGES. THOSE CHANGES HAVE BEEN INCORPORATED INTO THE LEGISLATIVE PROGRAM, AS DISCUSSED.
- ITEMS WHICH HAVE BEEN ADDED SINCE THE PRESENTATION OF THE INITIAL DRAFT PROGRAM ARE IN THE SHADED AREAS IN THE REVISED PROGRAM.
- IN THE EVENT THAT THE COMMISSION CHOOSES TO PROVIDE FURTHER DIRECTION TO STAFF, THE PROGRAM CAN BE BROUGHT BACK FOR FINAL ADOPTION ON DECEMBER 8, 1998.

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? INDICATE "NO" OR "YES" @ RIGHT. (IF "NO," PROCEED TO 1) BELOW; AND IF "YES," PROCEED TO 2) BELOW) NO

1) IF "NO" TO ABOVE,

A) PLEASE EXPLAIN BELOW: (SEE ALSO FOLLOWING SECTION 1B) RE: CONTRACT, AGREEMENT, LEASE, ETC.:

COUNTY ATTORNEY INPUT IS INCLUDED ON CERTAIN ITEMS, BUT IS NOT REQUIRED FOR ALL ITEMS.

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT:

2) IF "YES" TO FIRST QUESTION IN THIS SECTION,

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER MUST BE ATTACHED (IF COMMENTS WERE VERBAL, SO INDICATE.)

12/1/98 - To be brought back 12/8 for public comment

<p>ATTACHMENTS: (LIST IN ORDER AS ATTACHED)</p> <p>1999 LEGISLATIVE PROGRAM</p>	<p>INSTRUCTIONS TO BOARD RECORDS:</p> <p>NONE</p>
<p>COST N/A</p>	<p>SOURCE (ACCT# & NAME)</p>
<p>COMMENTS</p>	<p>AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT)</p>

***AGENDA MATERIALS FOR THIS ITEM WERE NOT AVAILABLE AT THE
TIME OF PRINTING AND DISTRIBUTING THE AGENDA.***

1999 LEGISLATIVE PROGRAM MANATEE COUNTY GOVERNMENT

BUDGETARY ISSUES

ISSUE: IMPLEMENTATION OF REVISION 7 TO THE FLORIDA CONSTITUTION
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On November 3, 1998, Florida voters approved Revision 7 to the Florida Constitution, which requires the State to fund some of the operating costs of the State Court system (Article V costs) that have been funded by Counties in recent years. It is important to note that, even after the implementation of Revision 7, counties will still continue to pay for a significant portion of the costs of the State Court System.

The Manatee County Commission strongly supports the creation of a commission, which would be comprised of representatives from all interested parties, to provide input to the Legislature and the Governor regarding the implementation of Revision 7.

Revision 7 must be fully implemented by the year 2004. The Manatee County Board of County Commissioners supports an implementation plan for Revision 7 that will provide additional State funding for the Courts as required without creating an adverse impact on other distributions of funds from the State to Counties. The financial impact on the State Budget can be mitigated by beginning to phase in increased State funding for Courts as soon as possible, with a gradual phasing occurring over five years.

ISSUE: FUNDING FOR THE COMMUNITY CONTRIBUTION TAX CREDIT PROGRAM <i>(Community Services - Housing)</i>
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For a number of years, legislature allocated \$2 million in funding for the Community Contribution Tax Credit Program. Last session, request was made for an increase to ten million, returning the program to the original funding status. The legislature approved an increase to five million, for statewide utilization. While the increase in funding greatly assists the program, again the funding has diminished during the first quarter of the fiscal year. Request is made to return the program to the original funding status of ten million dollars.

ISSUE: INTANGIBLES TAX

Legislation has been passed that reduced Florida's intangibles tax. There is talk of further reductions in the Intangibles Tax. Some of the net proceeds from the intangibles tax are earmarked to provide state funds allocated for the County revenue sharing program, which provides a major sources of revenue for Manatee County and other counties. The county revenue sharing program includes two "guaranteed entitlement" components, which are designed to provide a stable source of revenue that can be pledged to long-term bond issues. The revenue sharing program has been a good source of revenue for counties, since the proceeds distributed usually grow each year to help keep pace with inflation and growth. It is estimated that Manatee County will receive more than \$5.5 million in revenue sharing in FY 1998-1999, which is the equivalent of nearly one-half mill (50 cents per thousand dollars valuation) in property taxes. The intangibles tax should not be reduced further unless a substitute source of revenue for county revenue sharing is identified by the State which would provide the same stability and growth that has been experienced with the present source for county revenue sharing.

ISSUE: FUNDING FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM <i>(Community Services - Housing)</i>
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Support a more equitable funding allocation plan to insure that federal funds designed for low income residents of the state are actually made available to those jurisdictions where residents reside.

ISSUE: IMPACT FEES <i>(Planning)</i>
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In recent years, both houses of the Legislature had bills pending which would place significant limitations on impact fees established by local governments. While the proposed bills appeared to provide a standard under which impact fees could be uniformly administered on a State-wide basis, the result would seriously impede the ability of local governments to meet infrastructure needs created by new growth. The existing case law guidelines are sufficient. Further legislative initiatives should be opposed.

**ISSUE: CHANGES TO FLORIDA STATUTES REGARDING HANDICAP
PARKING FINES
(Community Services)**

It is proposed that Statute 316.1967(4) read as follows (changes are underlined):

Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100.00 or the fine amount designated by County Ordinance, plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

**ISSUE: FUNDING TO ASSIST IN THE CONSTRUCTION OF THE MANATEE
COUNTY EXTENSION SERVICE OFFICES TO INCLUDE STATE OF
THE ART FEATURES (Agriculture)**

Manatee County has placed high priority on the funding of a new Extension Service office/education building. The Board of County Commissioners have indicated their support for basic county funding of \$800,000. An additional \$350,000 is requested from the state to make this office facility a regional and state showcase for the 21st century. This would be accomplished by incorporating the latest environmental, water and energy management, and sustainability concepts to an office building in this area of the state. The idea behind this facility would be similar to the "Florida House" in Sarasota which highlights a residential home site. This facility in Manatee County would be considered as a "Florida Office" which could be emulated by others planning an office facility of this size in our state. The positive impacts of a successful "Florida Office" would be statewide, if not national.

**ISSUE: GENERAL SUPPORT FOR BUDGET OF INSTITUTE OF FOOD AND
AGRICULTURAL SCIENCES (IFAS), UNIVERSITY OF FLORIDA
(Agriculture)**

Within the borders of Manatee County are two important IFAS programs/facilities, one of which is an integral part of Manatee County government. The Manatee County Cooperative Extension Service (a Division of the Department of Agriculture and Natural Resources) and the Gulf Coast Research and Education Center are two significant IFAS units whose programs are directly related to legislative support, especially the Gulf Coast

Research and Education Center and to lesser degree the Extension Service which receives major county support. These two IFAS programs provide important educational/research support for Manatee County's \$300 million (annual sales) agricultural industry. The Gulf Coast Research and Education Center employs over 100 staff members, many of whom are the Ph.D. level and most of whom live in Manatee County. The Extension Service Division employs approximately 25 staff members, nearly half of whom are professional. State funding for IFAS has eroded over the years, causing staffing and operation difficulties for IFAS-related units and programs, especially those detached from the Gainesville campus. Request support for the IFAS portion of the University of Florida budget.

<p>ISSUE: SOVEREIGN IMMUNITY AND RECREATIONAL USE LANDS (Need to Treat Government and Private Owners the Same) (County Attorney's Office)</p>
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Section 375.251, Florida Statutes, ("recreational use" statute) needs to be amended to show clearly that its limitation of liability pertains to government as well as to private entities. Under s375.251, a property owner who provides the public with a park area or other land for outdoor recreational purposes incurs no liability to such persons so long as there is no entry or use fee charged or any other commercial or other activity which produces a profit from such patronage by the general public. Although Section 375.251 does not exclude government entities *per se*, some district courts of appeal have held that the immunity provided by the statute does not apply to government entities.

We recommend a new definition for the term "owner" be added to Section 375.251, Florida Statutes, Definitions:

- (5) **Owner or lessee - means public or private corporation, individual, partnership, association, any municipality, political subdivision, or any agency of the State which owns or has a lease on real property.**

<p>ISSUE: FLORIDA INTERLOCAL COOPERATION ACT OF 1969 (County Attorney's Office)</p>
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We support a modification in Section 163.01, Florida Statutes, the "Florida Interlocal Cooperation Act of 1969. It is recommended that Section 163.01 be amended as follows:

All of the privileges and immunities from liability and exemptions from laws, ordinances, and rules which apply to the municipalities and counties of this state any public agency within its territorial limits shall apply to the same degree and extent to any separate legal entity created pursuant to the provisions of this section, wholly owned by the municipalities or counties, the membership of which consists of or is to consist only of municipalities or counties of this state public agencies, unless the Interlocal Agreement creating such entity provides to the contrary.

This amendment would confer sovereign immunity upon the entity even though non-county and city governments are members.

ISSUE: STATE AID TO PUBLIC LIBRARIES
(Information Services)

The Library Board of Trustees and the County Commission request support for matching library construction grant funding up to \$500,000 for each project, for a total of \$6 million. The Library Board of Trustees and the County Commission also support special consideration be given to applicants who can demonstrate multi-use of a proposed library facility.

ISSUE: STATE-WIDE PUBLIC ACCESS TO ELECTRONIC DATABASES
(Information Services)

Support \$5 million appropriation for continued public access to 70+ national information databases and online encyclopedias for public, state university, community college, and private academic libraries.

ISSUE: RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM
(Community Services -Housing)

During the 1997 legislative session, authorization was provided for 1.4 million in funding to the Department of Insurance (DOI), to commence a mitigation audit and inspection program. The DOI contracted with the Florida Wind Underwriting Association as part of the Residential Construction Mitigation Program. The program, in the first year, was limited to Broward, Dade, Monroe and Palm Beach counties. **Legislature is requested** to extend the availability of the program to all coastal communities and fund accordingly.

ISSUE: ADEQUATE FUNDING FOR SCHOOL NURSES
(Community Services)

The Manatee County Board of County Commissioners is extremely concerned that there is an inadequate level of State funding for the school nurse program. To insure the health and safety of our children it is critical that the benefits of this program be considered and funding be restored to provide for a school nurse in each educational facility.

ISSUE: COUNTY HEALTH DEPARTMENTS
(Community Services - Human Services)

Support increased State funding for County health departments, and an equitable State-wide funding allocation for new State monies.

ISSUE: FLORIDA KIDCARE PROGRAM
(Community Services - Human Services)

Support expanding coverage for uninsured children by increasing the number of Kidcare slots State-wide, and enhancing outreach services. Additionally, support legislative modifications that provide continuous eligibility under the Kidcare Program, remove access barriers preventing participation by rural children, and allow for local flexibility in generating local match funds.

ISSUE: FUNDING FOR INDIGENT APPELLANTS IN FELONY CASES
(County Attorney's Office)

Currently, the Public Defender of the Tenth Judicial Circuit, headquartered in Bartow, represents indigent appellants in felony appeals arising in the Circuit Courts of fourteen (14) counties comprising the Second Appellate District, which includes Manatee County. In fiscal year 1998-1999, commencing July 1, 1998, the Public Defender of the Tenth Judicial Circuit received a special State appropriation in the amount of \$300,000 to assist in eliminating the backlog of such appeal cases, which has been the subject of litigation in the Second District Court of Appeal and the Florida Supreme Court.

In order that this backlog not recur, and to ensure that the counties in the Tenth Judicial Circuit are not asked to provide local funds to the Public Defender for the representation of indigent appellants in felony appeals, the Legislature is urged to continue the special appropriation of \$300,000 in future fiscal years.

ISSUE: STATE PARTICIPATION IN WARE'S CREEK FLOOD CONTROL PROJECT

Manatee County has entered into a partnership with the City of Bradenton and the Federal Government to address flood control problems around Ware's Creek in the central part of the County. There is an opportunity to create a project that will serve multiple uses, including a water and land-based greenway or trail. The Manatee County Board of County Commissioners requests that the State join the partnership and appropriate \$2 million for uses including acquisition of property, easements and flood control structures required for the project, and improvements that may be required to create a greenway from public lands around Ware's Creek.

ISSUE: CORTEZ SCHOOL HISTORICAL SITE

The Florida Communities Trust, in partnership with Manatee County Government, will fund the purchase of the Cortez School. This property, in the unique and historic fishing village of Cortez, includes a school house that dates back to 1912 and has many interesting attributes. The property will also have access to Sarasota Bay, which will result from the County's planned acquisition of adjacent property. After acquisition, the County will most likely allow the Manatee County Historical Society or a Cortez-based non-profit agency to operate the site as a multi-purpose facility focused primarily on preserving the historic significance of the property and the village.

The Manatee County Board of County Commissioners supports a State appropriation of \$200,000, to be provided to the Historical Society or other appropriate local agency, for renovations and improvements that will make the property functional and more accessible to the public. Funds would be used for parking, handicapped accessible restroom facilities, and environmental restoration and wetland habitat creation on the publicly-owned grounds surrounding the property.

ISSUE: 66TH STREET ATHLETIC FACILITY

In the 1998 Legislative Session, action was taken to transfer ownership of ±40 acres of property from the State to Manatee County. The property will be used primarily for Babe Ruth ballfields, but fields for other leagues and activities are also planned. There are indications that significant contributions of private funds may be forthcoming to help develop the site, but it is expected that those contributions will not be sufficient to fund the entire project.

Manatee County supports a State appropriation of \$700,000 to fund design, parking, fencing and lighting for the athletic facility. Manatee County supports a State appropriation of \$300,000 in the budget for the Agriculture and Consumer Affairs Department or other appropriate agency for the purpose of funding a turf grass development project, including, but not limited to, site development, grading, retention and irrigation at the site.

ISSUE: CIVIC CENTER RENEWAL, REPLACEMENT AND UPGRADES

The Manatee County Civic Center, constructed with an appropriation from the Florida Legislature in the early 1980's, is a popular location for local and regional events. The facility now needs refurbishing and upgrading to address aging interior and to operate more effectively. Eight hundred thousand dollars (\$800,000) in State funding is requested, to be used for items such as replacing the seating system and wall panels, improving access to certain areas in the building, replacing the sound and lighting system and other repairs and improvements.

ISSUE: EMERSON POINT ENVIRONMENTAL CENTER

Emerson Point is a passive outdoor 368 acre, State-owned coastal conservation area managed by Manatee County. Federal, State and County sources are funding wetland restoration, historic interpretive and passive outdoor recreational improvements. The Manatee County Board of County Commissioners supports an appropriation from the Legislature for the construction of the County's first stand-alone environmental center/classroom and restrooms. This request could be amended to a Board of Regents request for a general revenue supplement to PECO funds, or other appropriate source, and combined with County and School District funds already committed to the project.

PUBLIC SAFETY ISSUES

ISSUE: SUPPORT LEGISLATION THAT WOULD ALLOW THE INCLUSION OF EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS AS SPECIAL RISK CLASS MEMBERS IN THE FLORIDA RETIREMENT SYSTEM (Public Safety)

Presently, the County's Emergency Medical Technicians' and Paramedics are included in the Florida Retirement System as a regular class member and are eligible for full retirement benefits after 30 years of regular service. The inclusion of EMT's and Paramedics into the Special Risk Class would mean higher benefits as they would accrue retirement credit for their service (down from 30 years of regular service).

The cost to the County for each affected employee would be an additional 9.67% of their annual pay for an overall increase of approximately \$320,000 per year for the current positions that would be effected by this change.

The Special Risk Class of the Florida Retirement System (FRS) was created in 1970 to provide early retirement for certain Law Enforcement Officers, Fire Fighters, and Correctional Officers. The Legislature recognized that these employees engage in work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity. The Legislature found that older employees in these positions may not be able to continue performing their duties without risking the

health and safety of the public, their co-workers, and themselves. Persons in these work situations may find that they are unable to continue working due to diminishing physical and mental capacity. The legislature intended that these persons shall be allowed to return before their age adversely impacts their performance of their duties.

It may also be a benefit to the County to include its Paramedics and EMTs into the Special Risk class because of potential for the reduction in Workers Compensation injuries and a potential for the effects of their mental or physical conditions may have in terms of the ability to function at the level required to assure proper medical care and ensure public safety. This could potentially equate to a reeducation in the County's medical malpractice liability and other liabilities associated with the scope of their job functions.

Presently, Paramedics and Emergency Medical Technicians (EMTs) in the Florida Retirement system are members of the regular class unless they happen to meet the requirements for Special Risk membership because they are crossed trained as Fire Fighters, Law Enforcement Officers, or Correctional Officers and are associated with these particular agencies. It is apparent from this that current legislation restricts inclusion into the Special Risk Class based on agency affiliation and not actual job functions which remain the same irrespective of agency affiliation. Ergo, County Paramedics and Emergency Medical Technicians are susceptible to the same considerations that the Legislature originally intended for the establishment of the Special Risk Class of the Florida Retirement System.

<p>ISSUE: EMERGENCY MANAGEMENT PLANNING FOR PERSONS WITH SPECIAL NEEDS <i>(Community Services)</i></p>
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Amendments are required to various statutes to assist persons with special needs. They are as follows:

- (1) Amending s20.43, F.S.; directing the Department of Health to provide certain assistance to local special needs shelters;
- (2) Amending s252.355, F.S.; revising terminology relating to registration of persons requiring special needs assistance in emergencies;
- (3) Amending s400.87 and s400.610, F.S.; providing minimum requirements for home health agency emergency management plans and hospice disaster preparedness plans; providing for plan review by the local emergency management agency and other specified entities;
- (4) Amending s400.497 and s408.034, F.S.; requiring the Agency for Health Care Administration to adopt certain minimum standards for care and services to be provided in emergency evacuation and sheltering; providing an effective date.

ISSUE: PUBLIC HURRICANE EVACUATION SHELTER DEFICIT <i>(Public Safety)</i>

The State of Florida is frequently confronted with the reality that major hurricanes impact our citizens and visitors. Of the approximately 6.125 million people who are vulnerable to the storm surge and wind effects of a hurricane, many will have to evacuate to public shelters. In the wake of Hurricane Andrew, the 1993 Legislature revised s.252.385 to state that it was the Legislature's intent to not have a deficit of safe shelter space in any region by 1998 and thereafter.

To comply with this statutory responsibility, the Division of Emergency Management has implemented a shelter survey program. To date, the findings of these surveys have not been encouraging. Many of the buildings listed in current shelter inventories appear to be unsuitable for use as hurricane evacuation shelters, or indicate greater shelter capacities than actually exist at the designated buildings. For this State to eliminate, or significantly reduce its deficit of safe public hurricane evacuation shelter space, all public buildings that are suitable must be included in local inventories.

Three amendments are required to Statute 252.385 to increase the availability of shelter space. Amendment one should allow for retrofitting of private facilities, where the owners(s) agree to provide public hurricane evacuation shelter space. This would allow for utilization of private schools and other appropriately designed facilities in the same fashion the statute provides with public facilities.

Amendment two would be to provide, to the extent feasible, that those buildings leased with public dollars, suitable for shelters, contain provisions in the lease

agreements requiring that they are utilized as such during emergencies. This would increase shelter availability.

Lastly, amendment three should be made to insure that all facilities constructed with public dollars are constructed to hurricane shelter standards to eliminate the need for retrofitting facilities in the future. **While amendment was made to the building code, educational facilities are exempt from these code requirements.** Such an amendment would insure that all public schools, colleges, and universities are designed and constructed to the appropriate standards initially rather than requiring retrofitting in the future.

ISSUE: TRAFFIC CONTROL AT NEWLY CONSTRUCTED INTERSECTIONS
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Significant safety concerns have surfaced with regard to traffic conditions at newly constructed intersections on State roads. Typically, these intersections cannot be provided with adequate traffic control devices until warrant studies are done, resulting in many months of potentially unsafe conditions.

An amendment to Florida Statute 316 is recommended and supported by the Manatee County Board of County Commissioners which would authorize the Department of Transportation to establish procedures and criteria to be used in instances where safety concerns and future anticipated traffic flows on newly constructed roadways/intersections may require the installation of signals or other traffic control devices prior to the location meeting the requirements of a standard warrant study.

ENVIRONMENTAL ISSUES

ISSUE: ENVIRONMENTAL MANAGEMENT - STATE ENERGY POLICY <i>(Environmental Management)</i>

Florida now faces major energy issues such as the impending electric utility industry deregulation/restructuring; global warming and sea level rise; and our ever-increasing consumption of imported fossil fuels in an energy-hungry world economy.

We recommend the State adopt and implement a strong energy policy that would, at a minimum, provide sufficient funding for an effective State Energy Office; require electric utilities to provide a certain percentage of their power from renewable energy sources; and provide financial incentives for demand-side conservation measures.

GROWTH MANAGEMENT ISSUES

**ISSUE: APPEAL ON ANNEXATION OR CONTRACTION ORDINANCE
(ELIMINATING THE STATUTORY CONFLICT BETWEEN SECTION
171.081, FLORIDA STATUTES AND CHAPTER 164, FLORIDA
STATUTES
(Planning)**

The Board has previously taken a position on the conflict in the Florida Statutes relating to annexation. **Introduction of legislation to harmonize Sections 164.103 and 171.081, Florida Statutes is required.** In the former, a local government is required to give 45 days notice to another local government before filing suit against it. In the later, an aggrieved party who opposes annexation by a municipality must file suit within 30 days of enactment of annexation ordinance by a municipality.

A conflict exists between Section 171.081, F.S., and Chapter 164, F.S., which causes a local government who challenges an annexation or contraction to violate either Chapter 171, F.S., or Chapter 164, F.S.

Section 171.081, F.S., states that, "No later than 30 days following the passage of an annexation or contraction ordinance... may file a petition in the circuit...". However, Section 164.103, F.S., states, "The governing body of a county or municipality may not file suit against another county or municipality unless the governing body has notified the potential defendant county or municipality of its intent to file suit. This notice must be given no less than 45 days in advance of the filing of the suit."

This places the challenging party in the position of being required to violate the provisions of Chapter 164, F.S., to comply with the 30 day deadline in Section 171.081, F.S.

Either of the following could remedy the problem:

Be it enacted by the Legislature of the State of Florida as follows:

Section 171.081, Florida Statutes, is amended to read: **APPEAL ON ANNEXATION OR CONTRACTION.**

No later than 30 days following the passage of an annexation or contraction ordinance, any party affected who believes that he will suffer material injury by reason of the failure of the municipal governing body to comply with the procedures set forth in this Chapter for annexation or contraction or to meet the requirements established for annexation or contraction as they apply to his

property may file a petition in the circuit court for the county in which the municipality or municipalities are located seeking review by certiorari. Provided, however, that where the petitioner is a county or municipality, said petitioner shall file the notice required by Chapter 164, Florida Statutes, and the 30 days provided for in this section shall not begin to run until the public meeting provided for in Chapter 164 has been held by the governing body of the municipality which passed the annexation or contraction ordinance in question or until the time allowed under Chapter 164 for holding such meeting has expired. In any action instituted pursuant to this Section, the complainant, should he prevail, shall be entitled to reasonable costs and attorney's fees.

OR

Be it enacted by the Legislature of the State of Florida as follows:

A new section is hereby created to read:

167.107 Exemption from Application. This chapter shall not be applicable to a county or municipality which appeals an annexation or contraction pursuant to Section 171.081.

GENERAL LAW

ISSUE: PRIVATE CLAIM BILLS <i>(County Attorney's Office)</i>

Proposed amendment to §768.28(5), Florida Statutes:

Add new sentence between the existing third and fourth sentences, which will read:

(5).....only by further act of the Legislature. Provided, however, that a private claim bill may only be introduced by the Senator or Representative who represents the district where the claim arose or the claimant resides. Notwithstanding the limited waiver.....

The proposed amendment will prevent lobbyist from finding legislators, who know nothing about the claim, to introduce private claim bills.

ISSUE: MANAGED CARE PROGRAM FOR WORKERS (County Attorney's Office)
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Proposed amendment to §440.134(1)(e), Florida Statutes:

Add a new clause at the end of the subsection, which will read:

(e) "Insurer" means an insurance carrier, self-insurance fund, assessable mutual insurer, or individually self-insured employer; the term does not include political subdivisions of the state or municipalities unless they elect to enter into a managed care arrangement.

The proposed amendment will allow self-insured governmental entities to provide workers' compensation medical benefits without having to comply with the Agency for Health Care Administration rules and pay fees to that Agency.

ISSUE: TOURIST INFORMATION SIGNAGE (Convention and Visitors Bureau)

The Florida Department of Transportation regulates signage on the roadways throughout the state. This authority is delegated to the various district offices, which have allowed for different signage to be utilized statewide. With tourism as one of our primary industries in Florida, it is critically important that a uniform system be utilized to assist tourist in locating required information. International visitors seeking information and assistance need to be able to identify where this information can be secured. This would greatly assist in providing for the safety of our visiting public.

Currently, FDOT signage at Interstate and Turnpike exists is inconsistent in regard to priority of information. Some district offices allow for small signage on the roadway, others allow larger signs and still others have prohibited signage. Legislation or amendment is necessary that would:

1. Instruct, order or direct FDOT to recognize governmental, municipally or other publicly owned Tourist Information Centers as the prime source of local visitor information in all 67 counties, and that the prioritization of visitor related information be determined by those local interests best informed and most involved.

2. Officially adopt the international symbol of tourist or visitor information, the lower case "i", white letter in blue background and instruct FDOT to include that symbol on all "Tourist Information Center" signs in Florida.

ISSUE: CLARIFICATION OF INTENT IN EXISTING ENTERPRISE ZONE LEGISLATION <i>(Community Services - Housing)</i>
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Section 290.0056(5), F.S. requires that Enterprise Zone Development Agencies submit to the Auditor General's Office an annual report. The report "shall include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of such fiscal year". The Office of the Governor has confirmed that they believe the intent of the legislature was that this annual report be required from those EZDA's formed as separate, legal entities utilizing the provisions of section 290.0056, F.S. As indicated by the Governor's Office, to date, all 30 EZDA's are being operated within the jurisdiction of local government and therefore were not expected, nor have they submitted such financial statements.

Request is made that this provision be clarified to state that the intent, as stated by the Governor's Office, is clearly what was expected and anticipated by the legislature.

ISSUE: REPLACING SIGNS AND POSTS IN RIGHT OF WAY

Add to ss556.108(5) (d): (d) Placing or replacing signs and posts in designated rights of way by a municipal, county or state transportation or public works department employees. Pneumatic "soft dig" tools may be used in place of hand tools.

Justification - Current wording of State Statute requires everyone digging in the right of way to make a "One Call" prior to digging for almost any reason. The County places/replaces several thousand sign posts each year. The requirement to make this call and wait for a response for each and every sign is an undue burden on the County work force. Receiving an exemption would greatly reduce the work load and improve response time for fixing signs.

ISSUE: PUBLIC CONSTRUCTION WORKS - SECTION 255.0525, 255.20, AND 287.055, FLORIDA STATUTES

The Manatee County Attorney's Office will be developing proposed amendments to the sections referenced above, to be provided to the Legislative Delegation under separate cover. These sections deal with requirements relating to competitive solicitation and award of contracts for any projects costing in excess of \$200,000. The present requirements, and the procedure for undertaking such projects "in house", require clarification.

FEDERAL LEGISLATION

ISSUE: TO OBTAIN \$5 MILLION FEDERAL APPROPRIATION IN THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FOR FY 1999-2000, TO COVER THE FEDERAL COST OF THE UPCOMING BEACH RENOURISHMENT PROJECT.

Manatee County has begun the preliminary work for the beach renourishment project on Anna Maria Island, scheduled for construction in the year 2000. This project is a federally authorized beach nourishment project. There is a 50 year agreement with the U.S. Army Corps of Engineers to perform periodic nourishment on an as needed basis, estimated to be approximately every 9 years. The federal government will share in 54.29% of the cost of each nourishment cycle, provided construction funds are appropriated for the project.

Our beach nourishment project is entering a critical planning stage. We need to begin to chart a course of action and develop a timetable for our Congressional delegation to work from. We also need to begin work with the Jacksonville District of the Corps of Engineers to enhance communication lines between key policy makers and legislative delegation.

The construction schedule for the upcoming Anna Maria Island Beach Nourishment Project would be jeopardized if federal appropriations were not forthcoming. We will have to actively monitor the appropriations bill to ensure that \$5 million for our project is included.

ISSUE: SUPPORT LIBRARY LEGISLATIVE PRIORITIES

The Library Board of Trustees would like to request contact with the appropriate federal legislators on the issue of the Library Services & Technology Act (LSTA) Appropriation. The President has recommended that FY 1998 funding remain at the same level as FY 1997 - 136.4 million, LSTA authorizes funding up to \$150 million. Florida would receive approximately \$600,000 in addition to the current \$6 million for grants to assist libraries with automation, telecommunications and services.

ISSUE: LEGISLATION PROHIBITING PARKS AND RECREATION FROM RECEIVING FEMA FUNDING

Senate Bill 1034 and Senate Bill 1007 are working their way through Congress. These bills prohibit park and recreation agencies from receiving reimbursement from the Federal Emergency Management Agency (FEMA) for disaster recovery. The effect of these two (2) bills would be catastrophic to park and recreation departments

in Florida where hurricanes are a constant threat. The Dade County Park and Recreation Department alone required 49.3 million in FEMA funds to recover from Hurricane Andrew.

Action is needed to contact all park and recreation departments in our district as soon as possible to have each contact their Congressional delegation voicing opposition to the parks prohibitions in these two bills.

ISSUE: NATIONAL ESTUARY PROGRAM IMPLEMENTATION

The 28 National Estuary programs around the County are funded through authorizations in the Clean Water Act. Work continues in Congress to reauthorize the Clean Water Act in 1998. Manatee County directly benefits from appropriations to three Florida NEP's under this authorization; Tampa Bay, Sarasota Bay and Charlotte Harbor. Funds are available to augment County Programs for water quality studies and monitoring, air quality studies and monitoring, structural improvements and habitat restoration for improving the quality of stormwater runoff, and recreational facilities such as heritage trail development, educational forums, instructional signage and community outreach. As each estuary program moves into implementation of approved plans for their respective bays, additional funding is needed.

The current authorization is capped at \$12 million per fiscal year. Legislation has been introduced by Senator Torricelli (D-NY) to increase this authorization to \$50 million per fiscal year. Senator John Chafee (R-RI), Chairman of the Senate Environmental and Public Works Committee has agreed to co-sponsor, giving strong support to the likelihood of its passage out of the committee. Senators Mack and Graham are co-sponsoring this Senate Bill. Strong support for this amendment will insure inclusion in any 1998 effort to reauthorize the Clean Water Act in the Senate. At this time, there is no comparable House counterpart.

Convey our support to Senators Mack and Graham for their continued efforts to increase the authorization amounts for implementation of approved National Estuary Program recommendations and investigate comparable House support.

ISSUE: WARES CREEK

Continuing Federal Legislative support is required for two purposes: greenway authorization and appropriations for construction.

Greenway Authorization: The Corp of Engineers have the authority to include recreational trail (greenway) components to compliment the linear features of flood control projects. Recreational trails, along with landscaping, lighting and pedestrian

rest areas provide a year round recreational amenity bonus for structural flood control projects. The Corp will cost share in 50% of the costs of these upgrades if authorized to do so (specifically spelled out) in the original flood control proposal. The Wares Creek flood control proposal and authorizing language does not include an authorization for recreational attributes. The Corp will not object to any effort to broaden the authorization to include a provision for greenway development. Working to include this amendment to the original authorization will not delay on-going work to complete a final design for the overall flood control project.

The Wares Creek Flood Control Project Authorization, contained in the 1996 Water Resource Development Act Reauthorization (WRDA), needs amendment in the House and Senate versions in the 1998 WRDA bill, to authorize the addition of recreational features to the project. If a 1998 WRDA bill is unlikely, a parallel request for a specific 50/50 cost share appropriation needs to be initiated in the 1998 Congress, following guidance from our local delegation.

Appropriation for Construction: While the 1996 WRDA bill authorized up to \$10.3 million for the Federal share to construct the estimated \$15 million project, this act did not release any funds for construction. Appropriation bills for construction are routinely acted upon, following a budget recommendation from the Corps, in the year before actual construction is to begin. A construction start date is currently estimated by the Corps to be in the calendar year 2001 (Federal Fiscal Year 2000). Therefore, an appropriation bill would need to be developed for the 1999 Congress. While this is less than two years away, the County should keep Congressional Committee staff and officials aware of the pending need for the \$10.3 million appropriation in the manner recommended by local Congressional staff.

We should follow the lead of local Congressional staff recommendations to inform key Congressional Committees and staff of pending 1999 requests for appropriations to construct the Wares Creek project.

ISSUE: FEDERAL PROPERTY RIGHTS INFORMATION

During the past year the Private Property Rights Implementation Act of 1997 (HR 1534) and the Property Owners Access to Justice Act of 1997 (S 1204) were considered by Congress. These bills would permit developers and other claimants to file suit in federal court before exhausting administrative remedies or state court actions for alleged "takings". This could result in costly litigation and federal intrusion into purely local issues.

It is recommended that these or similar bills be **opposed** until there is certainty that there will not be undue burdens imposed on local governments as a result.

ISSUE: APPROPRIATION FOR ALTERNATIVE WATER SUPPLY PROJECTS
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Request for Federal Authorization and Continued Appropriation for Alternative Water Supply Projects

In 1994, Manatee County initiated contact with federal agencies to draw attention to water supply shortages affecting Southwest Florida. Later in 1994, The Southwest Florida Water Management District (District) joined with the County to request Federal appropriations to support the construction of alternative water supply projects, including the Manatee Agricultural Reuse System (MARS).

Manatee County has funded legislative services to obtain appropriations in support of MARS and other water supplies (PEACE/Manasota Regional Water Supply Authority) under a multi agency partnership agreement with the Water Management District. Manatee County has contributed a total of \$54,000 since 1994 toward these legislative services and have received 7.01 million dollars in grants and grant commitments as a result of these efforts. Congressional appropriations have been obtained in 1994, 1995 and 1997 without a formal authorization, which routinely accompanies multi-year appropriations. The District will join this year with two other Florida Water Management Districts to seek authorization for annual appropriations up to \$50 million in the Water Resource Development Act Reauthorization, pending in 1998.

Manatee County should continue its partnership with the District to support federal legislation to secure authorization for alternative water supply projects in Florida. Authorization and continuing appropriations will directly benefit the MARS project and County participation in the PEACE/Manasota Regional Water Supply Authority efforts.

ISSUE: INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Reauthorize the Intermodal Surface Transportation Efficiency Act, including continuing such programs as CMAQ and Enhancements, and continuing the planning principles and State-MPO decision making process presently outlined in ISTEA, in a timely manner; and,

Remedy the extreme funding inequity that exists in Florida's donor state status by ensuring that every state receives at least a true 95% rate of return on the payment they make to the Federal Highway Trust Fund, which is consistent with the targets set under the STEP 21 reauthorization.

**ISSUE: AIR QUALITY - FUNDING FOR AIR QUALITY
ATTAINMENT AREAS TO IMPLEMENT POLLUTION
PREVENTION PROGRAMS**
(Environmental Management)

For a number of years, the EPA and DEP designated Hillsborough and Pinellas Counties as ozone non-attainment areas under the Clean Air Act. Only recently were these counties able to reduce their ozone load to levels that would allow re-designation as "maintenance" areas. However, recent changes in federal ozone standards may place them at risk for re-designation as ozone non-attainment areas.

Manatee County is now, and has always been, an "attainment" area for ozone. Due to predominant wind patterns, however, stationary and mobile air pollution sources within Hillsborough and Pinellas Counties have a strong influence on Manatee County's air quality. The County is proud of its clean air, and wishes to remain in attainment status. Additionally, non-attainment status would impose a number of onerous requirements; e.g., mandatory automobile inspections, and sanctions on locating new industries and receiving federal dollars for highway construction, that would have a negative impact on the local economy.

The Congestion Mitigation and Air Quality Improvement Program (CMAQ), part of the Transportation Equity Act (TEA-21), provides funding to state and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. However, funding is available only to areas that do not meet the National Ambient Air Quality Standards (NAAQS); that is, areas that are currently or were previously declared as non-attainment.

We believe that pollution prevention is much cheaper and more effective than after-the-fact pollution remediation. Thus, **we strongly urge Congress to amend the CMAQ provisions of Tea-21 to provide funding for local pollution prevention activities in attainment areas, assisting these jurisdictions in maintaining a high quality of life for their citizens and visitors by staying in attainment status.**