

REVISED October 10, 2017 - Regular Meeting
Agenda Item #50

Subject

2018 Legislative Platform

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Nicholas Azzara
Information Outreach Manager
Ext. 3771

Action Requested

Final consideration and approval of the 2018 State Legislative Platform.

Enabling/Regulating Authority

Background Discussion

Manatee County Legislative Delegation Meeting is scheduled for Oct. 19. The Legislature's committee weeks began in September for the 2018 Legislative Session which will begin Jan. 9, 2018.

Each year the County Commission submits to legislators its annual Legislative Platform. The 2018 Legislative Platform outlines Manatee's state funding requests and the Commission's most important policy positions. It was compiled through feedback from County Commissioners, County staff, and with consideration to other local government priorities and those of the Florida Association of Counties.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

None

Cost and Funds Source Account Number and Name

None

Amount and Frequency of Recurring Costs

None

Attachment: [2018 Priorities DRAFT 3.pdf](#)

October 10, 2017 - Regular Meeting
Agenda Item #45

Subject

2018 Legislative Platform

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Nicholas Azzara
Information Outreach Manager
Ext. 3771

Action Requested

Final consideration and approval of the 2018 State Legislative Platform.

Enabling/Regulating Authority

Background Discussion

Manatee County Legislative Delegation Meeting is scheduled for Oct. 19. The Legislature's committee weeks began in September for the 2018 Legislative Session which will begin Jan. 9, 2018.

Each year the County Commission submits to legislators its annual Legislative Platform. The 2018 Legislative Platform outlines Manatee's state funding requests and the Commission's most important policy positions. It was compiled through feedback from County Commissioners, County staff, and with consideration to other local government priorities and those of the Florida Association of Counties.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

None

Cost and Funds Source Account Number and Name

None

Amount and Frequency of Recurring Costs
None

Attachment: [2018 Priorities DRAFT 3.pdf](#)

REPLACED

DRAFT State Legislative Priorities of the Manatee County Commission

Underlined items denote issues that have been added since the Commission initially discussed the Platform on Aug. 22, 2017.

Legislative policy statements (new for 2018 consideration)

- **Opioid funding and reform** – Manatee County SUPPORTS Gov. Rick Scott’s recommendation for \$50 million in state funding for the expansion of substance abuse treatment, evidence-based counseling and recovery services. Manatee County also SUPPORTS limits on prescription opioids and reformed regulations of unlicensed pain management clinics. Manatee County SUPPORTS opioid-specific continuing medical education courses for all physicians; and mandatory use of the Prescription Drug Monitoring Database (PDMP) by all healthcare professionals who dispense or prescribe controlled substance medications.
- **Hurricane shelters** – Manatee County urges Florida Division of Emergency Management officials to reevaluate the process for determining the needs for counties to provide additional shelter space. The process should rely on more accurate population statistics to make hurricane shelter space recommendations that reflect Florida’s rapidly growing number of fulltime residents, and the state consider modifying the geographic boundaries upon which shelter capacity is analyzed. Manatee County SUPPORTS state funding allocations for hurricane hardening measures that will ensure new Manatee County public school facilities now in planning stages may be built to accommodate evacuees in the future.
- **Abandoned and derelict vessels** -- Manatee County SUPPORTS continued renewed state funding of derelict vessel removal. Manatee County SUPPORTS legislation that provides public access to waterways and preserves provides county regulatory power. Manatee County SUPPORTS continued state and local regulation of vessels, mooring fields, bulkheads and seawalls, floating vessel platforms and seagrasses in order to protect water quality. Manatee County OPPOSES further dilution of county authority to regulate vessels and waterways. Manatee County SUPPORTS greater county authority to regulate vessels in navigation outside of mooring fields. Manatee County OPPOSES further attempts to preempt local government authority to regulate vessels.
- **Home rule protection** – Manatee County SUPPORTS the integrity of county home rule power which allows county officials to develop and implement community-based solutions to local issues, without state limitations or mandates. Manatee County OPPOSES legislation that would limit or remove a local government’s ability to adjust millage rates to sufficiently meet community demands.
- **Texting while driving** – Recognizing that distracted driving crashes accounted for 50,000 crashes in Florida in 2016 and that Florida is one of five states that do not currently consider texting while operating a motor vehicle a primary offense, Manatee County SUPPORTS legislation to make texting while driving a primary offense.

- **Decoupling** – Manatee County SUPPORTS legislation that will end the requirement for horse and dog tracks to conduct live races as a condition of gambling permits.
- **Impact fees** – In the interest of reducing the overall cost of an affordable home, Manatee County SUPPORTS legislation that will amend Florida Statutes (F.S. 163.31801) to give local governments that collect school and government impact fees the ability to consider waiving or partially reducing only government-related impact fees for affordable housing projects.

Legislative funding requests

- Manatee County requests to be reconsidered for a \$500,000 State Aid award to complete a renovation and expansion of the **Braden River Library**. With more than 170,000 patron visits each year, Braden River Library is the busiest branch of the Manatee County Public Library System. Patrons use computers, check out books from a collection of 85,000 volumes and use meeting rooms with Wi-Fi access. The branch is in need of more space for meetings, leisure reading and additional youth services.
- Manatee County supports the Sarasota-Manatee Metropolitan Planning Organization's (MPO) and the Tampa Bay Area Regional TRANSIT Authority's (TBARTA) funding request to replace and expand capacity of the DeSoto Bridge Corridor. Expediting replacement of the bridge and implementing funding for the anticipated recommendations of the forthcoming Central Manatee Network Alternatives Analysis which will facilitate improved north/south capacity on the U.S. 41 corridor.
- Manatee County also supports state funding for the MPO's Complete Streets Initiative to reconstruct 15th Street East/301 Boulevard from Tallevast Road to U.S. 41.
- Manatee County requests state funding for up to a \$600,000 to complete the remaining phase for environmental landscapes at the **Robinson Preserve Expansion** project. Manatee County is expanding the popular 487-acre Robinson Preserve by adding and restoring 150 acres for passive public recreation and education. The 150 acres proposed for addition to the site is primarily upland habitat which makes this area uniquely beneficial as it relates ecologically to the existing features of the Preserve. \$5.2 million in grant commitments have been secured from Federal and State partners towards completion of the restoration components of the project and this estimated 600,000 dollars would complete funding for this phase.

Beaches and inlet funding

- Manatee County requests \$206,000 in state cost share for the Longboat Pass Inlet Management project. The County plans to develop the design and initiate permitting for the reconstruction of the Longboat Pass Jetty in 2019/2020.
- Manatee County requests \$37,000 in state cost share for the Passage Key Inlet Management Study which will evaluate the potential use of Passage Key as a sediment source for future beach

nourishment projects.

- Manatee County requests \$221,000 in state cost share for the Coquina Beach Groins for the development of a feasibility study in order to rehabilitate, remove and/or replace the Coquina Beach groins and verify alternative solutions for the area. The requested funds will also be used for required project monitoring.
- Manatee County requests \$183,000 in state cost share for the federally authorized Central Beach Nourishment Project for physical monitoring, development of the required Limited Reevaluation Report, preliminary engineering and permitting.

Legislative policy statements (carryover from 2017)

Tourism Development Tax use – Manatee County requests legislation that would authorize the County to utilize a portion of the Tourist Development Tax for improved public safety services in the same manner as authorized in current law, s. 125.0104.

Certificates of Public Convenience and Necessity – Manatee County SUPPORTS maintaining a countywide regulatory system for EMS through the current Certificate of Public Convenience and Necessity (COPCN) process.

Workers' Compensation -- Manatee County requests the Florida Legislature to consider the impacts of any modifications to the workers' compensation system on local governments (in addition to the impacts on the private sector) and engage local government leaders in the decision making processes so that the voices of our constituents might be heard in the midst of the debate.

Economic Development -- Manatee County SUPPORTS measures that empower local governments and provide resources to work with community partners towards the creation of quality jobs, more vibrant Florida communities, as well as an enhanced level of national and global competitiveness. Florida's Qualified Targeted Industries (QTI) Program has been particularly effective in creating jobs and wealth for Manatee County. Since 2009, the QTI Program has helped more than a dozen companies expand in or locate to our community. That investment has helped to create more than 1,000 jobs with a projected capital investment of over \$210 Million. The Quick Action Closing Fund has been utilized to bring two new companies (Feld, Air Products) and expand two more companies, resulting in high skill, high wage jobs in the manufacturing and headquarters sectors.

Remote Area Medical – Manatee County SUPPORTS legislation that would allow the Governor to issue a temporary waiver for out-of-state, actively licensed physicians, optometrists and dentists to provide temporary volunteer healthcare services to the indigent and underinsured.

SHIP Funding – Manatee County SUPPORTS full funding for the State Housing Initiative Partnership (SHIP) Trust Fund and its distribution to counties for affordable housing activities.

Partner agency requests

Manatee County supports **Port Manatee's** legislative priority list, specifically Port Manatee's requests to:

An increase in appropriation for Port Security Grants from the prior legislative session mark of \$500,000 to \$1,000,000 annually. This recognizes the need for all ports to upgrade their security networks and access control systems in light of cyber security threats and challenges. The Florida Ports Council believes Port Manatee's efforts to request expansion of the state grant program is consistent with their efforts to increase the program's funding.

Funding in the amount of \$200,000 from the General Fund for a study of storm water retention capacity and mitigation at offsite locations.

Funding in the amount of \$100,000 from the General Fund to develop monitoring and evaluation tools to measure increased productivity in sea grass beds as a result of introduction of bivalve aquatic species. This concept is fledgling and not well researched or documented.

The continuation of full funding for the Florida Ports Council FSTED program in the amount of \$25,000,000 to meet Florida seaports infrastructure needs.

Manatee County supports the Manasota League of Cities' request for legislation to repeal the state preemption of the regulation of **short-term rental properties** to allow local governments to regulate such properties to protect the health and welfare of residents, visitors and businesses. The League also SUPPORTS changes to existing State law relating to short-term rentals that permit grandfathered local governments to modify existing short-term rental regulations.

Manatee County supports the leadership role the Florida Association of Counties takes representing the position of Florida's 67 counties on statewide issues. Manatee County's 2017 legislative priorities align with those of the Florida Association of Counties, unless otherwise noted. This document is a list of the top legislative requests and priorities of the Manatee County Board of County Commissioners.

From: [William Clague](#)
To: [Robin Toth](#)
Cc: [Mitchell Palmer](#); [Patricia Nolan](#)
Subject: FW: Use of TDT Proceeds to Fund Beach Maintenance and Recreational Facilities
Date: Friday, September 01, 2017 2:40:00 PM

Robin:

In response to your query to Patricia Nolan, please see the chain of emails below, which memorialize the response of this office to the questions raised by the Board at the June 13, 2017, work session.

Bill Clague
Assistant County Attorney
Manatee County, Florida
ph. 941-745-3750
fx. 941-749-3089
william.clague@mymanatee.org

From: William Clague
Sent: Thursday, June 22, 2017 8:29 AM
To: Betsy Benac; Robin DiSabatino; Stephen R Jonsson; Charles Smith; Priscilla WhisenantTrace; Carol Whitmore
Cc: Vanessa Baugh; Mitchell Palmer (mitchell.palmer@mymanatee.org); Ed Hunzeker; Dan Schlandt; Karen Windon; Jan Brewer; Elliott Falcione; Monica Luff; Alex Nicodemi
Subject: FW: Use of TDT Proceeds to Fund Beach Maintenance and Recreational Facilities

Commissioners:

Please be advised of the below email that I sent to Commissioner Baugh this morning in response to her question regarding lifeguard salaries.

Bill Clague
Assistant County Attorney
Manatee County, Florida
ph. 941-745-3750
fx. 941-749-3089
william.clague@mymanatee.org

From: William Clague
Sent: Thursday, June 22, 2017 8:24 AM
To: Vanessa Baugh
Cc: Mitchell Palmer (mitchell.palmer@mymanatee.org); Ed Hunzeker; Dan Schlandt; Karen Windon; Jan Brewer; Elliott Falcione; Monica Luff; Alex Nicodemi
Subject: RE: Use of TDT Proceeds to Fund Beach Maintenance and Recreational Facilities

Commissioner Baugh:

In response to your question, no, beach maintenance does not include lifeguard salaries. I understand that there was some confusion at the work session about this as well.

Some "operational" expenses (including salaries) can be paid with TDT proceeds—the convention center and CVB staff salaries for example. But it is doubtful that we could pay lifeguard salaries under the statute, since it does not expressly authorize payment of "operational" expenses for beach parks. The statute can be a tricky read in dealing with this issue.

I have confirmed with Elliott that the County has not used any TDT proceeds to pay lifeguard salaries.

Bill Clague
Assistant County Attorney
Manatee County, Florida
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william.clague@mymanatee.org

From: Vanessa Baugh

Sent: Thursday, June 22, 2017 5:50 AM

To: William Clague

Subject: Re: Use of TDT Proceeds to Fund Beach Maintenance and Recreational Facilities

Does "beach maintenance" include salaries for lifeguards. This was also a discussion and I thought bed tax could not be used for salaries

Sent from my iPhone

On Jun 21, 2017, at 2:35 PM, William Clague <william.clague@mymanatee.org> wrote:

Commissioners:

Mr. Palmer asked me to provide this email to you as a follow up to the Board's discussion at its June 13, 2017, work session regarding the use of tourist development tax (TDT) proceeds to fund "beach maintenance" and "recreational facilities". Please be advised as follows:

1. The use of TDT proceeds is controlled by Section 125.0104(5), Florida Statutes.
2. In 2013 this office issued a memorandum addressing the use of TDT proceeds to fund beach maintenance (copy attached), in which we explained that

provisions of Section 125.0104(5), Florida Statutes, authorize the County to fund beach maintenance. Subsequently, the County amended its Tourist Development Plan (Section 2-29-27 of the Code of Ordinances) to authorize the use of TDT proceeds for this purpose, in an amount not to exceed \$750,000 per year.

3. As noted in our 2013 memorandum, Section 125.0104(5), Florida Statutes, also authorizes the County to use TDT proceeds to “finance beach park facilities” or “to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more zoological parks, fishing piers or nature centers”. TDT proceeds may be used to fund a “recreational use” that falls within one or more of the authorized uses listed above. Because Section 125.0104(5), Florida Statutes, prohibits any use that is not specifically listed in the statute, no other recreational use may be funded with TDT proceeds.

The discussion at the June 13, work session did not identify a specific facility for consideration. This office would need to review any proposed use of TDT proceeds, based on the specific details of the facility, in order to determine whether it falls within one of the authorized uses listed above. Such use of TDT proceeds would also be subject to the requirement that the Board (a) make the necessary legislative findings to support it, and (b) amend the County's Tourist Development Plan to include it.

Please let me know if you have any additional questions or concerns regarding this matter.

Thank you.

Bill Clague
Assistant County Attorney
Manatee County, Florida
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william.clague@mymanatee.org

<Response Memo to CAO Matter No. 5009-204- RLS 13-110.pdf>