

## AGENDA ITEM 4

### 2014 LEGISLATIVE PLATFORM



## MANATEE BOARD OF COUNTY COMMISSION 2014 LEGISLATIVE PRIORITIES

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### JUVENILE JUSTICE

Manatee County SUPPORTS the state taking full responsibility for funding and operation of detention facilities serving juveniles, both for pre-disposition and post-disposition days and implementing juvenile justice reform, as recommended by the Detention Cost Share Proviso Workgroup. In the alternative, SUPPORT the dissolution of the current shared County-State Detention relationship in a manner that eliminates the administrative burdens for all parties and establishes a more collaborative and equitable detention model.

### PORT MANATEE/ TRANSPORTATION

Manatee County SUPPORTS the ability for Port Manatee to operate as an independent entity and would OPPOSE efforts to consolidate or remove autonomy from Port Manatee. Manatee County SUPPORTS action that would facilitate business collaboration and marketing opportunities with neighboring ports. Manatee County SUPPORTS fully funding Enterprise Florida's international budget in order to meet the goal of increasing international trade and efforts that promote the Florida International Gateway as the most efficient port asset through which to move freight. Manatee County OPPOSES raids of the Transportation Trust Fund to subsidize other areas of the state budget.

### BEACH RENOURISHMENT

Manatee County SUPPORTS Local Government Funding Requests for beach renourishment by the Governor in the Florida Department of Environmental Protection's budget for the FY 2014. Manatee County, as ranked near the top of the state priority list, requests \$109,000 in state cost share grants for FY 2014 to fund final design, permitting and monitoring activities on Anna Maria Island beaches; and \$179,077 in state cost share grants for FY 2014 for completion of the Longboat Pass Inlet Management Plan, and \$77,500 in state cost share grants for FY 2014 planning and design for inlet maintenance construction.

### COMMUNICATIONS SERVICES TAX\*\*

Manatee County SUPPORTS amending or revising current law in a manner that is 1) revenue neutral for local governments; 2) simplifies administration and collection of the current tax base; 3) provides for a broad and equitable tax base; 4) provides for the enhanced stability and reliability as an important revenue source for local government; and 5) provides for the opportunity for market-based growth.

### SENIOR HOMESTEAD TAX EXEMPTION\*\*

In an effort to avoid unintended abuses of the 2012 Senior Homestead Tax Exemption, Manatee County urges the state to amend changes to F.S. 196.075 that would 1. Base the applicant's eligibility on all personal assets instead of household income; 2. Require the person applying for the 25-year residency requirement to have qualified for a homestead exemption for at least the most recent 15 years; 3. Provide that the exemption goes away when the original qualifying owner no longer owns the home; and 4. Would penalize fraudulent claims for the exemption similarly to other fraudulent homestead claims.

### REGIONAL PLANNING COUNCILS\*\*

Manatee County SUPPORTS full funding of regional planning councils to, at a minimum, cover the costs of statutory responsibilities, and to support enhanced economic development activities. Manatee County would OPPOSE legislation prohibiting or restricting the ability of a regional planning council to provide planning and technical service to its local governments.

### NUISANCE ABATEMENT

Manatee County SUPPORTS legislation that would amend F.S. 893.138, extending from six to 12 months the period under which criminal activity pertaining to prostitution, drugs and dealing in stolen property must occur on more than two occasions.

### HOME RULE ISSUES\*\*

Manatee County SUPPORTS the statewide Keep it Local Florida movement which is committed to preserving local control and ensuring local taxpayers have the greatest say in how they are governed.

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*\*\* Asterisks denote items that are supported by the Manatee County Council of Governments which is comprised of Manatee School Board, the Town of Longboat Key, the Cities of Anna Maria, Bradenton, Bradenton Beach, Holmes Beach and Palmetto and Manatee County Government.*

# MANATEE COUNTY'S SECONDARY LEGISLATIVE PRIORITIES

VACATION RENTALS**	In order for counties and cities to address their citizens' concerns, Manatee County SUPPORTS a full repeal of 2011's House Bill 883 which preempts local authority from regulating, restricting or prohibiting vacation rentals differently from other residential properties based solely on their classification, use or occupancy.
CANDY-FLAVORED TOBACCO BAN **	In accordance with Manatee County Resolution 12-089, Manatee County SUPPORTS legislation that would close an omission in Florida statutes regarding the promotion and sale of tobacco products to young people by allowing the distribution of candy-flavored tobacco products in establishments that are open to minors under the age of 18 within Florida.
FERTILIZER AND LANDSCAPING**	Manatee County SUPPORTS the ability of local government to enact fertilizer ordinances intended to improve water quality and reduce nutrient levels in local waterways. Manatee County SUPPORTS enhanced statewide promotion of the Florida Green Industries Best Management Practices as a basic level of water quality protection with more stringent protection available for specific water bodies in need.
INTERNET SALES TAX**	Manatee County SUPPORTS legislation that promotes an equitable competitive environment between "brick and mortar" businesses and remote business establishments conducting business in Florida.
LIBRARY FUNDING **	Manatee County SUPPORTS restoring state funding to the public library system, which would jeopardize the vital federal Library Services and Technology Act (LSTA) funds Florida receives annually.
PAIN MANAGEMENT CLINICS**	Manatee County SUPPORTS the ability of local government to enact local pain clinic ordinances that provide local officials an effective tool in curbing the growing epidemic of pain pill abuse. Manatee County would OPPOSE legislation that would preempt the regulation of pain management clinics to the state.
LOCAL BUSINESS TAX**	Manatee County SUPPORTS the authorization of local governments to modify local ordinances in a manner that reflects in a more simplified, efficient and equitable tax system that supports communities and economic development through business recruitment. Manatee County OPPOSES legislation that would eliminate the Local Business Tax.
JOINT USE OF PUBLIC SCHOOL FACILITIES**	Manatee County SUPPORTS legislation that would provide immunity from liability for district school boards that adopt public access policies or enter into joint-use agreement except in instances of gross negligence or intentional misconduct.
RED LIGHT CAMERAS**	Manatee County SUPPORTS the ability of local governments to install traffic safety devices as a cost effective way to reduce the instance of red light running at local intersections, and improving safety to motorists, bicyclists and pedestrians along roadways.
AFFORDABLE HOUSING	Manatee County SUPPORTS restoring to 2007 levels the state funding for the State Housing Initiative Partnership (SHIP) Trust Fund and its distribution to counties for affordable housing activities.
LONGBOAT KEY	Manatee County SUPPORTS an amendment of statutes to provide grandfathered municipalities like the Town of Longboat Key with the ability to maintain long-standing, specific, charter referendum processes relating to density increases associated with local comprehensive plan and map amendments and development orders.



*\*\* Asterisks denote items that are supported by the Manatee County Council of Governments which is comprised of Manatee School Board, the Town of Longboat Key, the Cities of Anna Maria, Bradenton, Bradenton Beach, Holmes Beach and Palmetto and Manatee County Government.*

Every year there are unintended consequences from legislation. The impact of HB 537 to the Town of Longboat Key's charter referendum provision was one such unintended consequence. In 1984 the voters of the Town of Longboat Key adopted a provision in the Town's Charter that required referendum approval before any increases in density could be granted. That charter provision has been in place for almost 30 years and served the Town well – in part making the Town of Longboat Key the unique community it is today.

Last year two landowners owning separate parcels located in Manatee County initiated the process to seek density increases and obtained referendum approval for such increases. However, one of the unintended consequences of HB 537 is that the referendums that took place last year were nullified by the new law. The Town and these property owners are in limbo as to ability of these landowners to increase the density on their properties.

Based upon a review of last year's legislative staff analysis and discussions with the entities advancing last year's legislation, the Town of Longboat Key does not believe that anyone, including the Legislature, intentionally excluded the Town's Charter provision from the grandfathering clause within last year's glitch bill. Accordingly, the Town of Longboat Key has proposed a legislative fix that continues the grandfathering of the Town's Longboat Key's longtime referendum provisions (dating back to 1984) and continues to maintain all of the essential aspects of last year's legislation.

Rep. Boyd has agreed to sponsor this bill in the House and Senator Detert has agreed to sponsor a companion bill in the Senate. The Town recently requested and received support from Sarasota County for this legislation.

The Town hopes that Manatee County will also support the Town's efforts to amend the applicable statutes to provide grandfathered municipalities like Longboat Key with the ability to maintain long-standing, specific, charter referendum processes relating to density increases associated with local comprehensive plan and map amendments and development orders.

**SUPPORT amendment of statutes to provide grandfathered municipalities like the Town of Longboat Key with the ability to maintain long-standing, specific, charter referendum processes relating to density increases associated with local comprehensive plan and map amendments and development orders.**

**PROPOSED DRAFT AS OF 8/14/2013**

Section 1. Subsection (8) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.

(8) (a) An initiative or referendum process in regard to any development order is prohibited.

(b) An initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited. However, an initiative or referendum process in regard to any local comprehensive plan amendment or map amendment ~~that affects more than five parcels of land~~ is allowed if it is expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011; a general local government charter provision for an initiative or referendum process is not sufficient.

(c) It is the intent of the Legislature that initiative and referendum be prohibited in regard to any development order. It is the intent of the Legislature that initiative and referendum be prohibited in regard to any local comprehensive plan or map amendment, except as specifically and narrowly permitted in paragraph (b) ~~with regard to local comprehensive plan or map amendments that affect more than five parcels of land~~. Therefore, the prohibition on initiative and referendum stated in paragraphs (a) and (b) is remedial in nature and applies retroactively to any initiative or referendum process commenced after June 1, 2011, and any such initiative or referendum process that has been commenced or completed thereafter is hereby deemed null and void and of no legal force and effect.

Section 2. This act shall take effect upon becoming a law.

Manatee County SUPPORTS the Local Government Funding Request for beach renourishment by the Governor in the Florida Department of Environmental Protection's budget for the FY 2015. Manatee County, as ranked near the top of the state priority list, requests \$3,907,512 in state cost share grants for FY 2015 to fund construction and monitoring activities for beach renourishment activities on Anna Maria Island beaches; \$1,430,650 in state cost share for construction of Cortez Beach permeable adjustable erosion control groins at Cortez Beach; and \$179,077 in state cost share grants for FY 2015 for completion of the Longboat Pass Inlet Management Plan, and \$225,000 in state cost share for design/permitting of the Anna Maria Island Longboat Pass jetty reconstruction.