

**M E M O R A N D U M**

Date: February 29, 2016

**TO:** ManaSota League of Cities Board Members  
**FROM:** Trish Granger, Administrative Coordinator  
**SUBJECT:** Preliminary Discussion - Legislative Priorities for 2017

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During the January 14, 2016, ManaSota League of Cities (MSLC) Regular Meeting, the Board voted unanimously to have Board members bring forward one or two issues to begin the preliminary discussion of identifying Legislative Priorities for 2017.

To assist you in scheduling future discussions on the 2017 Legislative Priorities, the following calendar was obtained from the State of Florida's website outlining the 2017 Session dates, as follows:

**2017 SESSION DATES**

August 1, 2016: Deadline for filing claim bills (Rule 4.81(2))

March 7, 2017: Regular Session convenes (Article III, section 3(b), Constitution)  
12:00 noon, deadline for filing bills for introduction (Rule 3.7(1))

April 22, 2017: All bills are immediately certified (Rule 6.8)  
Motion to reconsider made and considered the same day (Rule 6.4(4))

April 25, 2017: 50th day - last day for regularly scheduled committee meetings (Rule 2.9(2))

May 5, 2017: 60th day - last day of Regular Session (Article III, section 3(d), Constitution)

A copy of the adopted 2016 MSLC Legislative Priorities is included for reference during your discussion.

Please contact me if you have any questions or need further information.



# Manasota League of Cities, Inc.

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## **2016 MAJOR LEGISLATIVE PRIORITIES**

### **RELOCATION OF UTILITIES**

OPPOSE legislation that mandates local government bear the cost of relocating utility equipment when the equipment is located within a public utility easement and needed to be relocated for transportation purposes or for non-transportation purposes regardless of the location.

### **VACATION RENTALS**

SUPPORT legislation that repeals the state preemption of the regulation of vacation rental properties to allow local governments to regulate such properties to protect the health and welfare of residents, visitors and businesses. SUPPORT changes to existing State law relating to vacation rentals that permit grandfathered local governments to modify existing short term vacation rental regulations.

### **WATER QUALITY & QUANTITY AND SEA LEVEL RISE**

SUPPORT legislation that provides a recurring funding source for programs and projects for water quality preservation and enhancement.

SUPPORT legislation that encourages vulnerability assessments, coordinates resources and supports efforts of local governments to mitigate and adapt to the impact of sea level rise.

### **ECONOMIC DEVELOPMENT**

SUPPORT increased funding for the Community Development Block Grant (CDBG) program which funds local community development activities such as affordable housing, anti-poverty programs and infrastructure development.

### **LOCAL GOVERNMENT REVENUE**

OPPOSE legislation that restricts or eliminates municipal revenues generated under the Communication Services Tax and the Local Business Tax.

SUPPORT the preservation of the Communication Services Tax and Local Business Tax.

### **MENTAL HEALTH INITIATIVES**

SUPPORT legislation that plans and adequately funds basic mental health facilities and programs in Florida including additional psychiatric beds.

### **PUBLIC PENSIONS**

SUPPORT the codification of the Florida Department of Retirement's interpretation of minimum benefits under Florida Statutes Chapter 175 and 185 Firefighter and Police Officers' municipal pension plans that was issued in 2012 and that provides local governments with flexibility in the use of insurance premium tax revenues.

### **SOBER HOMES**

SUPPORT legislation that defines and establishes minimum regulatory standards for Sober Home facilities and allows for more stringent local regulations of these facilities.

MANASOTA LEAGUE OF CITIES  
2016 LEGISLATIVE PRIORITIES  
(Details)

**RELOCATION OF UTILITIES**

For more than 100 years, state law has provided local government with the authority to require non-government utilities to pay the costs associated with relocating its utility equipment out of public rights-of-way and public utility easements to accommodate public construction projects, such as road improvement projects and other non-transportation public projects. Public utility easements and public rights-of-way are controlled by local government and access is provided to utilities as a permissive use. Generally, a utility is required to pay the costs to relocate its equipment when relocation is in the public interest.

In many communities, a “public utility easement” is created by dedication in a land developer’s plan for a new community, such as “The owners of this property do hereby dedicate easements along each boundary of each home site for county drainage purposes and for public utilities.” Typically, public utility easements do not exceed six to ten feet in width and run alongside public rights-of-way in the case of roadways. Like rights-of-way, courts have found that public utility easements are for the benefit of the public and, therefore, are not owned by utilities. Instead, such easements function as public property for the use of utilities. Thereby, developers create interests relating to particular (limited) property uses by third parties who then use the property to provide essential public services. Occasionally utilities purchase these property interests, but often they do not, leaving local authorities with the burden of purchasing property for public easements and/or rights-of-way as part of roadway improvement projects.

If local governments are required to bear the cost of relocation, it would dramatically and negatively affect local governments by transferring the costs of utility relocations from the utility provider to local government taxpayers instead of the actual users of the utilities. In many cases, the utility equipment that needs to be relocated does not service the constituent taxpayers of that municipality or county, but services a neighboring municipality or county.

The expense of relocating a utility’s equipment in the public easement and for non-transportation purposes within the right-of-way will greatly increase the costs of completing transportation projects at a time when local governments continue to struggle with funding for such projects. Transportation projects are often the catalyst for economic development and the result of growth within a community, which benefit the utility in terms of an expanded customer base.

**VACATION RENTALS**

Vacation rentals are expanding throughout communities in Manatee and Sarasota Counties and the State. Legislation is needed to provide local governments with more flexibility in dealing with problematic vacation rentals and that will set minimum stay requirements for these properties. Additionally, legislation is needed that will clarify “grandfathered” local governments and will permit the amending of their vacation rental ordinances without penalty.

**WATER QUALITY & QUANTITY AND SEA LEVEL RISE**

Local government programs and projects are needed that protects local water resources; improves water quality and quantity; mitigates pollution from onsite waste water systems; expands the use of alternative water resources, recognizes that reclaimed water is an asset paid for by utilities’ rate payers; and requires all infrastructure users to pay the cost of operation and maintenance of such utilities.

Recognition must be given to the impact sustained by coastal cities statewide related to sea-level rise, changing precipitation patterns and increasing storm severity. The coastal communities will be the first to feel the effect of sea level rise. Portions of our island cities are very low and even extremely high tides can flood roads and homes. State participation is needed to provide a leadership role in planning practices in anticipation of sea level rise.

## **ECONOMIC DEVELOPMENT**

SUPPORT increased funding for the Community Development Block Grant (CDBG) program which funds local community development activities such as affordable housing, anti-poverty programs and infrastructure development. CDBG, like other block grant programs, differs from categorical grants made for specific purposes in that they are subject to less federal oversight and are largely used at the discretion of the state and local governments and their sub grantees.

## **LOCAL GOVERNMENT REVENUE**

Communications Services Tax: OPPOSE legislation that modifies, restricts, or eliminates the authority of municipalities to levy, collect, and/or expend the Communication Services Tax. In 2001, the Florida Legislature restructured taxes on telecommunications, cable, direct-to-home satellite, and related services. This change was called the Communication Services Simplification Act and replaced and consolidated seven different state and local taxes and fees into a single tax that is comprised of two parts, the state CTS and the local CST. The CST is one of the main sources of general revenue for municipalities. Local governments collect nearly \$800 million year. These revenues may be used for any public purpose, including pledging the revenues to secure bonds. The loss or reduction of that revenue will be disastrous to the budgets of local government.

Local Business Tax: OPPOSE legislation that modifies, restricts or eliminates the authority of municipalities to levy or collect Local Business Tax. Many local governments in Florida require businesses operating within their jurisdictions to obtain a Local Business Tax Receipt. Revenues collected in this form assist in providing services that contribute to business growth - growth which directly contributes to the economic development of the State. These revenues are used by many local governments to assist in the funding of services critical to businesses. Some local governments use the revenue to help fund economic development programs, representing a direct benefit to businesses through the promotion and marketing of the local area and its resources. Many municipalities use the business tax as general revenue funds and have pledged these revenues to secure debt. The Local Business Tax is one tool that enables local governments to operate efficiently without reducing services to citizens. Additionally, it allows local governments to know what businesses are operating in their community.

## **MENTAL HEALTH INITIATIVES AND PROGRAMS FUNDING**

SUPPORT: Legislation that plans and adequately funds basic mental health facilities and programs in Florida, including additional psychiatric beds. While most psychiatric hospitals were closed from the mid 1960's thru the 1990's, adequate funding of replacement community mental health did not occur, with federal and state mental health program funding being dramatically reduced in the 1980's and more recently in the Great Recession. As psychiatric hospitals were being reduced, jail and prison cells were dramatically expanded by over 200%. It is estimated that over 20% of our jails and prisons are serving as de facto psychiatric hospitals (without treatment capabilities) and over 30% of our chronic homeless population is suffering from severe mental health problems including schizophrenia, manic-depressive disorder and severe depression aggravated by substance abuse.

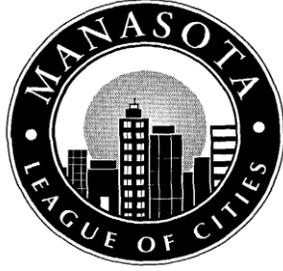
The lack of mental health beds and community mental health program funding has become a critical problem placing costly pressures on our jails, hospitals, police, and EMS departments and our urban centers. As such, the lack of mental health treatment options for individuals, families, hospitals, courts and communities is fiscally and socially irresponsible resulting in an increasing number of well documented human and community tragedies across our country.

## **PUBLIC PENSIONS**

**SUPPORT:** Legislation that protects Home Rule power to set and fund municipal employee benefit levels and specifically provides comprehensive pension reform, disability presumption reform and a mechanism for municipalities to revoke their election to participate in the Florida Retirement System. The Manasota League of Cities also supports legislation that provides flexibility in the use of insurance premium taxes as currently interpreted by the Department of Management Services.

## **SOBER HOMES**

**SUPPORT:** Legislation that clearly defines Sober Homes, allows for the regulation of these facilities and details the minimum operating standards. "Sober Homes" or "Halfway Houses" provide needed transitional housing opportunities for people who are progressing through treatment for substance abuse problems. Presently there is little or no regulation from government agencies in setting up a Sober Home. Law enforcement officials have seen increases in crime and homelessness in neighborhoods where these Sober Homes have located. Residents of the neighborhoods have reported an increase in burglaries, panhandling and other criminal activity. There is clearly a lack of uniform state standards or regulations for "Sober Homes."



**End of Agenda Item**