ManaSota League of Cities, Inc.

Anna Maria • Bradenton • Bradenton Beach • Holmes Beach
Longboat Key • North Port • Palmetto • Sarasota • Venice

2017 MAJOR LEGISLATIVE PRIORITIES

RELOCATION OF UTILITIES *(President Yates)*

~~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.~~

SUPPORT the creation of additional funding programs to assist local governments with the cost for public infrastructure projects that require relocation of public or private utility equipment and to mitigate such project costs support the repeal of legislation that mandates local governments bare the cost for the relocation of private utility equipment within public easements and reject any proposed legislation that would shift further costs to local government for relocation of private utility equipment within the public rights of way.

SHORT-TERM RENTALS **~~VACATION RENTALS~~** *(Member Peelen)*

SUPPORT legislation that repeals the state preemption of the regulation of ~~vacation~~ short-term 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~~ short-term rentals that permit grandfathered local governments to modify existing short-term ~~vacation~~ rental regulations.

WATER QUALITY & QUANTITY AND SEA LEVEL RISE *(Vice President Williams)*

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 *(Member Roff)*

~~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.~~

SUPPORT continued funding of Community Development Block Grants (CDBG) at the federal level and create a funding source at the State level for economic development projects in municipalities.

LOCAL GOVERNMENT REVENUE *(Member Pastor)*

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 AND SOBER HOMES *(Member Shaw)*

SUPPORT legislation that plans and adequately funds basic mental health facilities and programs in Florida including additional psychiatric beds and managed extended care for recovery upon release. SUPPORT legislation that defines and establishes minimum regulatory standards for Sober Home facilities and allows for more stringent local regulations of these facilities.

PUBLIC PENSIONS *(Treasurer McKeon)*

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.

PUBLIC RECORDS/ATTORNEY FEES

SUPPORT legislation that allows a judge to determine in a public records lawsuit whether or not attorney fees should be awarded to a complainant in specific situations and requires complainants provide written notice to the agency's custodian of records at least five business days before filing a civil action in order to be eligible to receive attorney fees in a public records lawsuit.

TOURIST DEVELOPMENT TAX *(Members Carter, Peelen, Shearon)*

SUPPORT legislation to expand usage of collected tourist (bed) taxes for both public safety services and infrastructure maintenance, repair, and replacement in municipalities where substantial portions of a county's tourist taxes are collected.

MANASOTA LEAGUE OF CITIES
2017 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~~ Requiring local governments ~~are required~~ to bear the cost of relocation~~, it would~~ dramatically and negatively affects 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 rights-of-way ~~will~~ greatly increases the costs of completing ~~transportation~~ public infrastructure projects at a time when local governments continue to struggle with funding for such projects. ~~Transportation~~ Public infrastructure 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.

SHORT-TERM RENTALS ~~VACATION RENTALS~~

~~Vacation~~ Short-term 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~~ short-term 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~~ short-term rental ordinances without penalty.

WATER QUALITY & QUANTITY AND SEA LEVEL RISE

Water Quality & Quantity: 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.~~

Sea Level Rise: Recognition must be given to the impact sustained by communities state wide related to sea level rise caused by the changing precipitation patterns, increasing rain storm severity and the effects of global warming. Coastal communities will be the first to feel the effect of sea level rise. Planning practices for the infrastructures within coastal communities and continued building code improvements need state support to mitigate and adapt to the impact of sea level rise.

ECONOMIC DEVELOPMENT

Community Development Block Grant (CDBG) programs ~~which~~ fund 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

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.

SOBER HOMES

~~"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."~~

A "sober transitional living home" is a community residential home that provides peer-supported and managed alcohol-free and drug-free living environment for the treatment of addictions. "Sober homes" function under the belief that housing addicts in an environment that fosters recovery, such as a low crime, drug free, single family neighborhoods, is essential to the success of an addict's treatment. However, with limited regulation and oversight the "sober home" concept can easily be abused.

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.

PUBLIC RECORDS/ATTORNEY FEES

The League is advocating for legislation that does two things: (1) requires an individual to send written notice of the public record request at least five business days before filing a lawsuit in order to be entitled to an award of attorney fees and costs and (2) make a one word change of "shall" to "may" so when a suit is filed, a judge is granted discretion to decide whether or not to award attorney's fees based on the facts presented.

TOURIST DEVELOPMENT TAX

To date, tourist taxes (TDC funds) have been utilized exclusively for marketing and supporting tourism in Florida counties. A precedent was set in the 2016 Florida legislative session which granted three Florida Panhandle counties – Walton, Bay and Okaloosa – the ability to spend up to 10 percent of the tourist tax revenues collected in each county to reimburse expenses incurred for public safety services, including, but not limited to emergency medical services and law enforcement. The Manasota League of Cities petitions the State of Florida to amend HB 7099, sec.125.0104(5)(c)(3) to increase the number of counties that may receive 10% of tourist tax revenue by changing the population size requirement of counties eligible from 225,000 to 500,000.