



LOCAL & FEDERAL AFFAIRS COMMITTEE

MEETING PACKET

Wednesday, December 5, 2012

10:30 a.m.

Webster Hall (212 Knott)

Will W. Weatherford
Speaker

Eduardo "Eddy" Gonzalez
Chair



The Florida House of Representatives

Local & Federal Affairs Committee

Will W. Weatherford
Speaker

Eduardo "Eddy" Gonzalez
Chair

AGENDA

Webster Hall (212 KNOTT)
Wednesday, December 5, 2012, 10:30 am

- I. CALL TO ORDER AND WELCOME REMARKS
- II. PRESENTATIONS
 - INTRODUCTION OF MEMBERS AND STAFF
 - SUMMARY OF COMMITTEE JURISDICTION
 - PRESENTATION BY FLORIDA LEAGUE OF CITIES
 - PRESENTATION BY FLORIDA ASSOCIATION OF COUNTIES
 - STAFF PRESENTATION OUTLINING THE LOCAL BILL PROCESS
- III. ADJOURNMENT

LOCAL & FEDERAL AFFAIRS

Staff Biographical Sketches

Barbara Hoagland, Senior Staff Director

Barbara Hoagland joined the legislative staff in 2006. She has worked at the state and regional level for more than 30 years, focusing on areas of growth management, housing, and local government issues. She has a Bachelor's degree in Anthropology and a Master's degree in Urban and Regional Planning from Florida State University.

Jason Rojas, Staff Director

Jason joined House staff in 2008 originally focusing primarily on housing, growth management and local government issues. Most recently, he served as the lead attorney for the Economic Affairs Committee where he also advised on matters relating to economic development, transportation, gaming policy and insurance. Jason is a 2002 graduate of the University of Florida, Levin College of Law.

Linda P. Nelson, Senior Attorney

Linda has been employed by the Florida House of Representatives since March 2003. She has over 25 years of state government experience. Prior to joining the committee, she served as an executive director in the Office of the Attorney General, as a labor relations specialist and personnel consultant for the Department of Management Services, and as a staff attorney for the Florida Commission on Ethics. Linda received her B.A. from the University of Kansas, an M.A. in Journalism and Communications from the University of Florida, and her J.D. from Florida State University.

Adrian Lukis, Intern/Analyst

Mr. Lukis began his employment with the Florida House of Representatives in October, 2012. He has experience at both the local and state levels of Florida government, including an internship at the Miami-Dade County Commission and most recently a legal internship in the Governor's General Counsel's Office. Mr. Lukis received a B.A. in both Political Science and International Affairs from Florida State University and is currently in his final year of law school at the Florida State University College of Law.

Martha W. Adeyemo, Senior Committee Administrative Assistant

Ms. Adeyemo has been with the Legislature since 1984 having served first with the Commission on Ethics as Complaint Coordinator and Legal Executive Secretary. Martha now serves as the assistant to the Staff Director for Local & Federal Affairs in conducting daily administrative activities. She performs office manager duties and edits and finalizes bill analyses, correspondence, committee reports, manuals, speeches and other related committee material. She also serves as Committee Secretary for the Local & Federal Affairs meetings.

**SUMMARY OF COMMITTEE
JURISDICTION**

2012-2014 COMMITTEE JURISDICTION

Local & Federal Affairs Committee

The Local & Federal Affairs Committee considers matters related to Florida's local governments and has primary responsibility for the local bill process. This process is designed to ensure that each local bill complies with constitutional and statutory local bill requirements and House local bill policies and procedures, including requirements relating to public notice, public hearing, and economic impact analysis.

The committee also considers matters related to state/federal relations, including federal policy that encroaches on issues traditionally reserved to the states, negatively affects the state's economy or taxpayers, or infringes on the personal freedoms of Floridians guaranteed by the Florida and U.S. Constitutions.

Florida's Municipal Governments

Scott Dudley
Legislative Director
Florida League of Cities, Inc.



Municipal Governments

- ▶ Florida's Constitution Article VIII establishes municipal government creation, powers
- ▶ Only level of government a person *chooses* among governments
- ▶ No legal difference between city, town or village; each one chooses own name
- ▶ 410 currently
- ▶ Chapter 165, F.S. outlines incorporation process with Legislature review & establishing a vote for the community to incorporate



City Facts in Florida

- ▶ Of the 410: 60% have population of 10,000 or less; median population in 2011 was 5,700
- ▶ 19 cities have populations of 100,000 or above; not a state with megalopolises
- ▶ 50% of Florida population resides in a city; been 50 to 51% since 1980s
- ▶ 23 incorporations since 1990; mostly to have own comprehensive plan & land use
- ▶ Largest pop.: Jacksonville 822,000, Smallest: Weekie Wachee: 9



Municipal Powers

- ▶ Prior to 1968: counties and cities derived powers from State (*"Dillon's Rule"* from 1860s *court case*)
- ▶ Florida Constitution of 1968: included Article VIII, section 2 Home Rule powers for cities
- ▶ Home Rule: power to make own ordinances or provide services provided no conflict w/ state or federal law; most important power and doesn't exist in every state



Limitations on Home Rule Powers

- ▶ Florida law provides four fundamental limitations on the exercise of municipal home rule authority:
 1. The state legislature;
 2. The citizens of the municipality;
 3. The state constitution;
 4. A county's charter (only 20 counties are charter counties).



More on Powers

- ▶ **Home Rule Powers Act 1973:** codified the changes of 1968; ended legal challenges of whether Home Rule applied to each city
- ▶ **Every city has a charter:** not the case in each state; charter outlines legislative body; powers & responsibilities; chain of command
- ▶ **City ordinances:** laws for city; cities also use administrative policies for internal functions



City Structures

- ▶ Elected body is called a council or commission; act as legislative entity and adopt ordinances, adopt policies and appropriate all funds with budget adoption
- ▶ A handful of cities have elected clerk or elected law enforcement – less than 3%
- ▶ Charter identifies terms, election processes, etc.



Forms of City Government in FL

- ▶ **Council-Weak Mayor:** original system brought over from England; council administers all programs collectively through departments
- ▶ **Council-Strong Mayor:** elected executive oversees day-to-day operations and usually isn't voting member of council
- ▶ **Council-Manager:** most prevalent form nationally & FL; professional administrator appointed by mayor & council
- ▶ **Commission:** municipal departments run by an elected official (only 5 in Florida)



Municipal Services

- ▶ Cities are service delivery ‘machines’: economies of scale, unique ordinances tailored to individual community....
- ▶ Most common in FL: comprehensive planning, land-use and zoning, water, wastewater, public works, redevelopment, police/fire, parks & recreation, economic development, storm water utility
- ▶ Less common: electric, natural gas utilities, airports, seaports, mass transit systems
- ▶ Economic development and community redevelopment



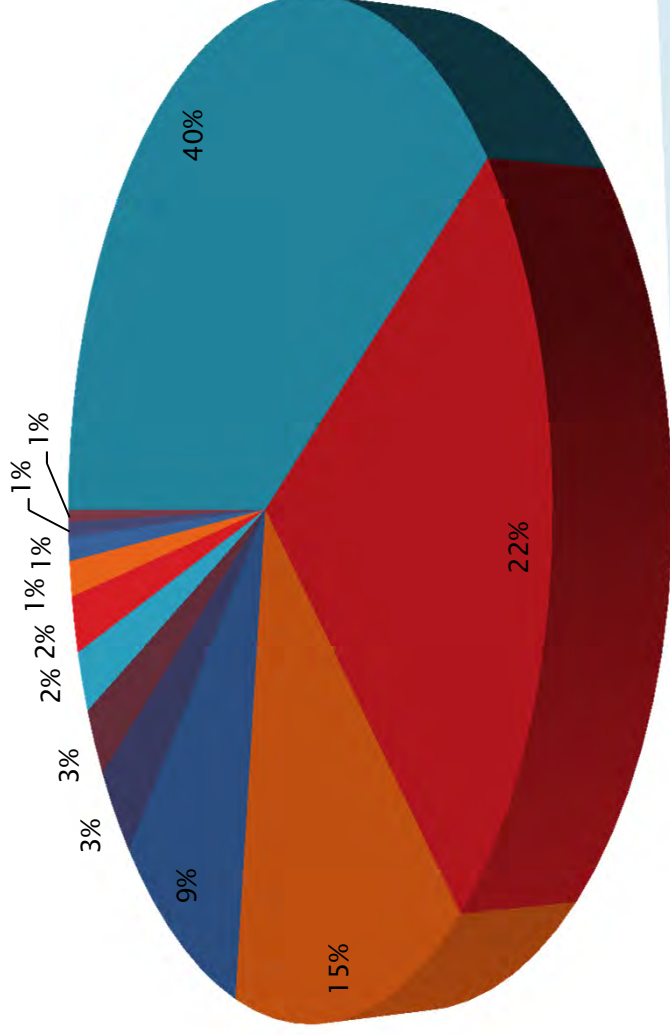
Municipal Fiscal Structure

- ▶ Constitution authorizes Property Tax (*Ad Valorem Tax*): levied by all but 24 cities currently
- ▶ Legislature authorizes levy of Public Service Tax (also called Utility Tax); Local Business Tax; portions of Communications Services Tax;
- ▶ State-shared revenues also include Alcoholic Beverage Tax, Sales Tax,
- ▶ Municipal Revenue Sharing: % of Sales Tax + 1 cent gas tax; city must qualify annually



FY 2010 Municipal Revenues

- Service Charges
- Intergovernmental Revenue (2)
- Permits, Assessments & Impact Fees
- Other Governmental Taxes (3)
- Miscellaneous (1)
- Utility Service Tax
- Local Option & Gas Tax
- Judgements, Fines & Forefeits
- Property Tax
- Franchise Fees
- Communications Service Tax
- Local Business Tax



- 1.) Includes interest earnings, increase/decrease of investments, sale of fixed assets and proprietary non-operating revenue
- 2.) Includes Insurance premium tax for firefighter pension & casualty insurance tax for police retirement
- 3.) Includes state sharing revenue

More on Fiscal Structure

- ▶ On average: fees and charges for service are 50% of city budget (includes utilities); fees are created by Home Rule powers unless otherwise specified in FL Statutes
- ▶ State-shared revenues average 8% of city budget
- ▶ Property Tax averages 15%–17% of budget for cities who levy it



Major Sources of Taxation

Property Tax	\$4,097,865,796.00 (46.1%)
Intergovernmental Revenue	\$2,548,307,058.00 (28.6%)
Utility Service Tax	\$930,174,647.00 (10.5%)
Local Option & Gas Tax	\$582,284,147.00 (6.5%)
Communications Service Tax	\$365,935,265.00 (4.1%)
Other Governmental Taxes	\$244,170,861.00 (2.7%)
Local Business Tax	\$128,084,624.00 (1.4%)




Unfunded Mandates


- ▶ Mandate requires cities to expend funds or take actions requiring expenditure of funds without providing funding
- ▶ Article VII, Section 18, Florida Constitution, limits unfunded mandates.
- ▶ Numerous exceptions to constitutional restriction provided
 - finding “important state interest”
 - 2 / 3 vote of House and Senate



What is the Florida League of Cities?

- ▶ Created in 1922 to serve the needs of Florida's cities and promote local self-government. The League was founded on the belief that local self-government is the keystone of American democracy.
 - ▶ 410 cities, towns and villages comprise the membership.
 - ▶ Governed by a Board of Directors comprised of elected municipal officials.
 - ▶ The League's headquarters is in Tallahassee
 - ▶ Insurance Services and the Technology Services Department are located in Orlando. The League is the premier provider of many products and services developed especially for Florida's cities.
- 

Issues Facing FL Cities


- ▶ **Decline in property values** : Since 2006 property values have declined. Since then, cities levied 18% less (\$757 Million) in property taxes
 - ▶ **Financing Infrastructure**: bond market problems since 2008; many cities catching up on water, sewer, road systems since growth boom of 1970s to 2000
 - ▶ **Unfunded Mandates**: Extra Pension Benefits for Police and Firefighters
 - ▶ **Preemptions**: Legislature restricting home rule authority of local government to respond to local conditions or citizen concerns.
- 

More Issues

- ▶ **State Tax Structure:** mostly written in 1940s; have sought updates/changes to keep pace with changes in FL
- ▶ **Pension Liability:** impact from accounting changes, state mandated benefit levels and economic downturn
- ▶ **Doing More with Less:** economic recessions in 1991 and 2006 to present cause cities to limit, cut services or eliminate programs
- ▶ **Miscellaneous:** declining gas tax revenues, constitutional initiatives limiting property taxes,



FLC Legislative Priorities


- ▶ **Police and Firefighter Pensions/Disability Presumptions:** Repealing existing requirement relating to use of Insurance Premium Tax Dollars. Revise standard of proof in disability hearings so that cities can present evidence to overcome presumption.
 - ▶ **Communications Services Tax/Local Business Tax:** Oppose legislation restricting or eliminating municipal revenues generated by CST and LBT
 - ▶ **Economic Development:** Support legislation dedicating state economic development resources towards small businesses and urban infill projects
 - ▶ **Housing:** Directing \$300 million from national foreclosure settlement to existing local government affordable housing initiatives
 - ▶ **Sober Homes:** Support legislation that defines and establishes minimum regulatory standards for sober homes and allow more stringent local regulation of these facilities
- 

FLC Legislative Priorities

- ▶ **Billboards:** Support legislation maintaining home rule authority of local governments to regulate outdoor advertising.
- ▶ **Transportation Funding:** Preserve local control of transportation planning and enhance local government authority to raise \$\$ for municipal transportation infrastructure projects.
- ▶ **Synthetic Marijuana/Drugs:** Support a ban on the manufacture, possession, distribution, purchase or sale of all synthetic marijuana/drugs and encourage drug abuse education efforts.
- ▶ **Water:** Maintain local government authority to adopt, implement and enforce regulations that protect water quality and enhance water supply. E.G. Fertilizer Ordinances, etc...
- ▶ **Energy:** Support legislation that establishes a comprehensive statewide policy on sustainable energy development and conservation. Also, support legislative action to authorize the use of the \$192 M in federal funds for Qualified Energy Conservation

Bonds

Want to Learn More?

- ▶ Florida League of Cities: web site is www.floridaleagueofcities.com
 - ▶ League Legislative Advocates
 - ▶ Kraig Conn kconn@flcities.com
 - ▶ Casey Cook ccook@flcities.com
 - ▶ David Cruz dcruz@flcities.com
 - ▶ Amber Hughes ahughes@flcities.com
 - ▶ Ryan Matthews rmatthews@flcities.com
 - ▶ Ryan Padgett rpadgett@flcities.com
- 

2013 Legislative Priorities

House Local and Federal Affairs Committee

12/5/2012

| Deena M. Reppen

Legislative Director

dreppen@fl-counties.com

850.559.4141



About the Florida Association of Counties

- Founded in 1929
 - 83 years of history
- Provides one voice for Florida's 67 counties and 377 commissioners elected by the citizens of Florida
- Governed by a Board of Directors
- FAC President: Leon County Commissioner Bryan Desloge



FAC's Mission

Mission

- The Florida Association of Counties helps counties effectively serve and represent Floridians by strengthening and preserving county home rule through advocacy, education and collaboration

Activities

- Advocate for home rule before the Governor, Cabinet, Legislature, state agencies and court system
- Provide education programs with a focus on ethics, leadership, Sunshine Law and county functions



Slide 3

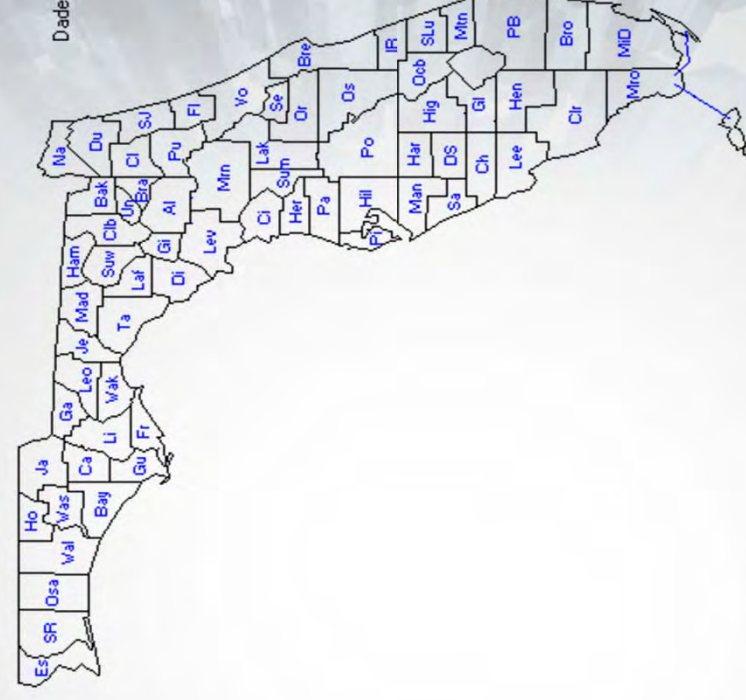
CM1

Given the attention on Ethics this might be a good place to add it to the list of things we do

Cragin Mosteller, 12/3/2012

Role of Florida's Counties

- Assessment of property
- Record keeping
- Maintain rural roads
- Administer elections
- Perform judicial functions
- Public health and welfare
- Consumer protection
- Economic development
- Employment and training
- Planning and zoning
- Water quality
- Fire protection
- Emergency management
- Regulatory functions



1997

Dade name changed to Miami-Dade.



FAC Advocacy Areas

- Health and Human Services
- Finance, Transportation and Administration
- Growth Management, Environmental Planning and Agriculture
- Public Safety
- Federal Issues

2013 FAC Priorities

Health and Human Services

- County Medicaid Cost-Share
- Eliminate administrative burden for state and counties and equitably mitigate any potential fiscal impact for all affected parties
- Support the dissolution of the current county-state Medicaid contributory relationship



2013 FAC Priorities

Public Safety

- Juvenile Justice
 - Establish a more collaborative and equitable detention model
 - Support dissolution of the current shared state-county detention relationship
 - Eliminate administrative burden for all parties



2013 FAC Priorities

Finance & Administration

- Communications Services Tax
 - Support amending/revising current law to simplify administration and collection and provide for a broad and equitable tax base; enhance stability and reliability as an important revenue source for local government; provide opportunity for market-based growth
 - Report by Florida Communications Services Tax Working Group due by February 1, 2013



Contact Us



Legislative Division

(850) 922-4300

www.fl-counties.com

facebook.com/flcounties

Twitter: @flcounties



HOUSE LOCAL BILL PROCESS

SUMMARY

Generally speaking:

- A general bill usually applies statewide, its impact affecting the general population of the state.
- Local bills, on the other hand, apply to only a specified part of the state and are subject to notice or referendum requirements.
- If there is a question as to whether or not a proposal is a local or general bill, the answer can usually be found through the staff of the Local & Federal Affairs Committee or the House General Counsel.

WHY ARE LOCAL BILLS PROPOSED?

In general, local bills are proposed when:

- a local government cannot do what it wants or needs to do within existing authority;
- an area wishes to be exempted from the restrictions of general law; or
- the Legislature has retained authority to decide the local issue by special act. Examples of this are special acts to create new municipalities or independent special districts.

Historical Note - Prior to the 1970s, counties and municipalities did not have the authority to re-draw commission seat boundaries or to perform other essential functions. Consequently, the Legislature considered anywhere from 3,000 to 5,000 local bills during its biennial sessions before it granted counties and cities home rule authority in the early 1970s.

Prohibited local bill subject matter:

The Florida Constitution and certain statutes restrict the subject matter of local bills. For a discussion of the prohibited subjects, refer to the *Local Bill Policies and Procedures Manual*.

WHAT STEPS MUST BE TAKEN TO HAVE A LOCAL BILL INTRODUCED?

Typically:

- An interested party may submit a request for a local bill to the local legislative delegation either verbally or in writing.
- The local legislative delegation has the discretion to hear or not hear the issue being proposed for a local bill.
- If the local delegation agrees to hear the specifics of the issue, a local public hearing is noticed and scheduled in the area affected by the local bill.
- The local legislative delegation must agree to the proposal and select an individual Member to sponsor the measure. Custom and courtesy suggest that a member of the local legislative delegation in the area affected by the proposed bill sponsor the bill.
- The bill must be advertised 30 days prior to introduction, or must be voted on by the people in the area affected.
- The Member sponsoring the measure must submit the proposal to House Bill Drafting, like any other bill request.
- The bill, when ready for filing with the Clerk, must be accompanied by proof that the ad has been published. This is accomplished by delivery of an affidavit of publication from the newspaper.
- The forms required by the House must be received by the Local & Federal Affairs Committee prior to the bill being heard in its first committee or subcommittee of reference.
- If a substantive amendment is anticipated, the amendment should be checked to make sure it conforms to the scope of the advertised bill, and a local bill amendment form must be completed and signed by the local delegation chair.

Public hearing/delegation meeting notices:

- The public hearing at which the local delegation votes to request introduction of the local bill must be noticed and open to the public.
- Usually, a majority of the legislative delegation must approve the proposed local bill for introduction.

Drafting the local bill:

- Once the local legislative delegation agrees to support the issue and introduce the local bill, typically the proposal is formulated into bill language by county or municipal attorneys, or other appropriate local officials.
- After the local public hearing is held and delegation approval is gained, the draft proposal must be submitted to House Bill Drafting by the bill sponsor.
- House Bill Drafting Services reviews all drafts and corrects technical errors and makes other changes in form as required to conform to the requirements of the constitution, statutes, and House rules.

House forms:

Each incoming Speaker reviews and approves the local bill forms and the policies implemented and administered by the Local & Federal Affairs Committee.

There are two basic forms that must be submitted with every local bill:

1. The **Local Bill Certification** form indicates that:
 - a. the purpose of the bill cannot be accomplished at the local level;
 - b. the local delegation has agreed to the bill; and
 - c. a hearing has been held in the area affected by the bill;
 - d. the required notice of intention to seek enactment of the bill has been made or the bill is subject to referendum approval.

This form must be signed by the delegation chairperson attesting to these circumstances.

2. The **Economic Impact Statement** form outlines the nature of any economic impact the bill may affect. The form must be prepared at the local level by an individual who is qualified to establish fiscal data and impacts.

Notice requirements for the local bill:

- In most instances, the entity requesting the local bill, whether it is a city, county, special district, or group of advocates for a municipal incorporation initiative, is responsible for placing the legal advertisement in a newspaper of general circulation.
- If the bill itself is subject to a vote of the citizens, this legal advertisement is not required.

- General law provides that the advertisement be placed in a newspaper of general circulation in the area affected by the local bill at least 30 days prior to legislative introduction.
- The function of the notice requirement is to provide reasonable notice to a person whose interests may be directly affected by proposed legislation so that he or she may inquire further into details of the local bill. If such person so desires, he or she may seek to prevent enactment or to persuade the legislature to change the substance of the proposed bill.
- Evidence that a notice has been properly published is routinely provided by the newspaper. Samples of this affidavit are available in the Committee's Local Bill Policies and Procedures Manual.

Notice contents:

- The substance of a proposed local bill must be in the advertised notice. Care should be taken to ensure that language in the advertised notice is broad enough to include all matters contained in the body of the proposed legislation.
- It is not necessary to include the specific provisions of the proposed bill in detail. Such detail could create a situation in which the notice is rendered faulty because subsequent amendments to the bill either change or broaden those provisions that had been noticed in the original advertisement.

WHAT HAPPENS WHEN THE BILL IS FILED?

Bill filing deadlines:

Under House rule 5.2(a) all local bills must be filed with the Clerk by 12:00 noon of the first day of the regular session.

Process:

- A local bill follows the same process as a general bill. The bill is introduced and referred to committees and/or subcommittees.
- Any amendments to a local bill, except technical, clarifying or conforming amendments, must be accompanied by a **Local Bill Amendment Form**. The form states that the delegation is aware of the amendment, the need for the amendment, and the intent of the amendment. This process was developed to resolve potentially contentious substantive changes to a local bill by those most closely associated with the issue.
- After a local bill is reported out of all referred committees and

subcommittees by means of an affirmative vote or withdrawal, the bill then proceeds to the House calendar.

ARE LOCAL BILLS INTRODUCED IN THE SENATE?

- Local bills are introduced in the Senate, but to a lesser extent than are introduced in the House. Generally, Senate-sponsored local bills are received by the Local & Federal Affairs Committee during the last weeks of the legislative session. Some have House companions, others do not. Senate bills with House companions enable the research of the Senate bill to be accomplished more quickly.
- The Senate does not have a local bill process similar to the House process. Senate Bill Drafting reviews local bills for constitutionality. Senate local bills generally are referred to the Senate Rules and Calendar Committee where they are analyzed only for compliance with the notice provisions.
- However, local bills that exempt themselves from general law or deal with more than one county may have a substantive Senate committee hearing. Thus, it is recommended that local bills that fall into one of these categories be filed in the Senate. If not, there is a risk that by the time the bill is passed by the House, Senate substantive committees will no longer be meeting. This may affect whether the bill attains legislative approval.

CAN THE LEGISLATURE ENACT SPECIAL ACTS RELATING TO MIAMI-DADE COUNTY?

- The Legislature may enact general acts applicable to all counties and municipalities within the state.
- Under the present Florida Constitution, the Legislature's power to enact a local bill that relates only to Miami-Dade County is restricted.
- Miami-Dade County Commissioners may abolish boards or governmental units created by legislative special acts applicable only to Miami-Dade County.
- Miami-Dade County Commissioners may also change any duties, functions, benefits, or regulatory or restrictive effects of such acts. See, Chase v. Coward, 102 So. 2nd 147 (Fla. 1958).

For more in-depth information on local bills and the process, please refer to the *Local Bill Policies and Procedures Manual* which is available on-line at MyFloridaHouse.gov.