



Local & Federal Affairs Committee

Meeting Packet

**Thursday, January 8, 2015
9:30 am - 10:30 am
Webster Hall (212 Knott)**



The Florida House of Representatives

Local & Federal Affairs Committee

Representative Steve Crisafulli
Speaker

Representative Dennis Baxley
Chair

Meeting Agenda
Thursday, January 08, 2015
212 Knott, Webster Hall
09:30 a.m. – 10:30 a.m.

- I. Call to Order**
- II. Roll Call**
- III. Welcome and Opening Remarks**
- IV. Introduction of Members and staff**
- V. Summary of Committee Jurisdiction**
- VI. Adjournment**

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LOCAL & FEDERAL AFFAIRS COMMITTEE

CHAIR: Rep. Dennis Baxley (R-23)

VICE CHAIR: Rep. Debbie Mayfield (R-54)

RANKING MEMBER: Rep. Sharon Pritchett (D-102)

Rep. Larry Ahern (R-66)

Rep. Doug Broxson (R-3)

Rep. Danny Burgess (R-38)

Rep. Neil Combee (R-39)

Rep. Eric Eisnaugle (R-44)

Rep. Tom Goodson (R-50)

Rep. Lake Ray (R-12)

Rep. David Santiago (R-27)

Rep. Jimmie Smith (R-34)

Rep. Charles Van Zant (R-19)

Rep. Daphne Campbell (D-108)

Rep. Bobby DuBose (D-94)

Rep. Kristin Jacobs (D-96)

Rep. Kionne McGhee (D-117)

Rep. Kevin Rader (D-81)

LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE

CHAIR: Rep. Debbie Mayfield (R-54)

VICE-CHAIR: Rep. George Moraitis, Jr. (R-93)

RANKING MEMBER: Rep. Daphne Campbell (D-108)

Rep. Matthew Caldwell (R-79)

Rep. Jose Diaz (R-116)

Rep. Cary Pigman (R-55)

Rep. Lake Ray (R-12)

Rep. Jimmie Smith (R-34)

Rep. Charlie Stone (R-22)

Rep. Jennifer Sullivan (R-31)

Rep. Dwight Dudley (D-68)

Rep. Amanda Murphy (D-36)

Rep. Kevin Rader (D-81)

VETERAN & MILITARY AFFAIRS SUBCOMMITTEE

CHAIR: Jimmie Smith (R-34)

VICE-CHAIR: Daniel Raulerson (R-58)

RANKING MEMBER: Rep. Shevrin Jones (D-101)

Rep. Doug Broxson (R-3)

Rep. Danny Burgess (R-38)

Rep. Blaise Ingoglia (R-35)

Rep. Kathleen Passidomo (R-106)

Rep. Holly Raschein (R-120)

Rep. Ronald Renuart (R-17)

Rep. Jay Trumbull (R-6)

Rep. Daphne Campbell (D-108)

Rep. Gwyndolen Clarke-Reed (D-92)

Rep. Kionne McGhee (D-117)

LOCAL & FEDERAL AFFAIRS COMMITTEE- JURISDICTIONAL OVERVIEW

LOCAL & FEDERAL AFFAIRS COMMITTEE

The Local & Federal Affairs Committee considers matters related to Florida's local governments, Florida's veterans, the Florida National Guard, and the military. 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.

LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE

The Local Government Affairs Subcommittee considers a variety of issues related to local government 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.

VETERAN & MILITARY AFFAIRS SUBCOMMITTEE

The Veteran & Military Affairs Subcommittee considers matters related to Florida's community of veterans and military personnel. The subcommittee's responsibilities cover oversight of the Florida Department of Veterans' Affairs, the Florida Department of Military Affairs, and the Florida National Guard.

LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE

RELATED PROGRAMS OVERVIEW

The Local Government Affairs Subcommittee does not have direct responsibility for particular agencies but works with specific review and oversight functions housed within different entities in the course of managing the local bill process. The following descriptions summarize the principal oversight roles of the specified agencies and a brief synopsis of the entities overseeing local government financial reporting. Also provided is a summary of the changes made to chapter 189, F.S. (special districts) during the 2014 session.

- Department of Economic Opportunity (DEO), Special District Accountability Program
- Florida Land and Water Adjudicatory Commission (FLWAC)
- Legislative Auditing Committee (LAC)
- Office of Economic and Demographic Research (EDR)
- Local Government Financial Reporting
- 2014 Revisions to Ch. 189, F.S.

DEPARTMENT OF ECONOMIC OPPORTUNITY SPECIAL DISTRICT ACCOUNTABILITY PROGRAM

Formerly known as the Special District Information Program, this serves as a centralized source of information for the more than 1,640 special districts in Florida. The Program website provides access to comprehensive information about all special districts, including user-customized lists, explanatory material, and current laws.

DEO is responsible for handling referrals from the Legislative Auditing Committee or the Auditor General when local governments, including special districts, fail to file required financial reports. DEO also is responsible for receiving reports from the State Board of Administration, when a special district fails to report certain information about a bond issue, and from the Department of Management Services, if a local government operating a retirement system or plan for public employees fails to file a required actuarial report.

Under amendments to chapter 189, F.S. (described below), to enforce the reporting duties of a special district DEO is authorized to bring an action for declaratory, injunctive, or other remedy provided by law in the circuit court of Leon County. Under certain circumstances, DEO also is authorized to declare special districts inactive.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Created by s. 380.07, F.S., the Florida Land and Water Adjudicatory Commission (FLWAC) is comprised of the Governor and Cabinet. If a type of proposed independent special district called a 'community development district' equals or exceeds 1,000 acres in area, the FLWAC has the sole authority to create such a district by administrative rule.

LEGISLATIVE AUDITING COMMITTEE

The Legislative Auditing Committee (LAC) is a standing joint committee created by joint rule of the Legislature. The role and oversight authority of the LAC is described on its website (located at the 'Online Sunshine' website):

In general, the responsibilities of the Committee are broad and affect all areas of government in Florida. The Committee's responsibilities are designed to provide continuous oversight of government operations, in part, through the auditing and review activities of the Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA).

Continuing duties and authority of the LAC are set out in s. 11.40, F.S. The LAC has a significant role in monitoring and enforcing compliance by local governments with financial reporting requirements. When notified by the Auditor General (or other agencies responsible for specific reporting oversight) of noncompliance by a local governmental entity, school district, or charter school or technical center, the LAC may conduct a hearing into the issue. The LAC may then determine if further action is required, including instructing the Department of Revenue to withhold certain funds payable to the subject entity until that entity complies with the law.

In 2014 (described below), the role of the LAC in overseeing special districts was expanded to provide for additional notices of noncompliance to the Speaker of the House and the Senate President, standing committees of the House and Senate as

determined by the presiding officers, and those legislators representing all or a portion of the geographical area of the special district.

OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH

As described on its website:

The Office of Economic and Demographic Research (EDR) is a research arm of the Legislature principally concerned with forecasting economic and social trends that affect policy making, revenues, and appropriations.

EDR publishes and makes available on its website a number of annual reports of interest to local governments, including the *Local Government Financial Information Handbook*, 'Review of Federal Funding to Florida,' and 'Utilization of Local Option Taxes by Florida Counties.'

Outside of Miami-Dade County, only the Legislature may create and charter a municipality. Those seeking to incorporate a municipality must first submit a statutorily-required feasibility study to the Legislature by a date certain. LGAS reviews each feasibility study and requests additional comment and review from EDR, DEO, and the Department of Revenue.

LOCAL GOVERNMENT ANNUAL FINANCIAL REPORTING

Certain local government entities (a board of commissioners or other legislative and governing body of a county, a municipality, certain housing authorities, and special districts), and all independent special districts, must file annual financial reports with the Department of Financial Services (DFS). Additionally, each county, school district, and certain charter schools or technical centers, municipalities, or special districts, must have an annual financial audit and file the audit report with the Auditor General. Both DFS and the Auditor General separately are required to notify the LAC and DEO if a local government entity fails to file a required financial report.

Local government entities participating in, operating, or administering a retirement system or plan for public employees must have an actuarial report prepared for such plan or system at least every three years. The report is filed with the Department of Management Services, which must report any failure to file to DEO.

Special districts authorized to issue bonds must report certain information with the State Board of Administration (SBA). Any failure to file such information is reported by SBA to the LAC and DEO.

2014 REVISIONS TO CHAPTER 189, F.S.

In 2014, the Legislature passed and the Governor signed into law chapter 2014-22, Laws of Florida, extensively revising the general laws applicable to most special districts in chapter 189, F.S. Following are the significant changes:

- The new law reorganized chapter 189, F.S., into eight new parts and renumbered all sections and subsections. The law also made necessary conforming changes to a number of related statutes.
- The law made substantive changes to the oversight and enforcement of special district financial reporting, revised the type of enforcement proceedings that may be brought against noncompliant districts, and increased the notice provided to the legislative presiding officers. These changes expanded the role and responsibilities of LAC and revised the authority of DEO to pursue enforcement actions.
- The Governor's power to suspend county officers, and the power to suspend and remove certain municipal officers, was extended to permit suspension or removal of special district governing board members.
- The law revised the requirements for local government oversight and review of special districts.
- Under certain circumstances, DEO is required to declare a special district as having become inactive. Special districts declared inactive may not collect taxes, fees, or assessments unless the DEO declaration is withdrawn. A district may challenge the DEO declaration either in an administrative proceeding or by filing an action with the appropriate circuit court.
- To improve public access to information, by October 1, 2015, each special district will be required to establish, update, and maintain an internet website. The information provided must include:

- The full legal name of the district, its public purpose, and the full text of the district charter.
- Contact information for each member on the district's governing body;
- A description of the district's boundaries.
- A listing of all taxes, fees, assessments, and charges imposed by the district.
- The code of ethics applicable to the district.
- A list of all governmental entities with oversight authority for the district.
- The district's annual budget and financial reports.

VETERAN & MILITARY AFFAIRS SUBCOMMITTEE

DEPARTMENT OF MILITARY AFFAIRS

TOTAL BUDGET = \$75,268,956

FTE = 397

MISSION

The mission of the Department of Military Affairs is to provide ready military units and personnel to support national security objectives; to protect our citizens; and to support programs and initiatives which add value to our State and Nation.

PURPOSE

The Department of Military Affairs provides management oversight and administrative support to the Florida National Guard. In addition, the Adjutant General is specifically tasked with: (1) the combat readiness and emergency preparedness of the Florida National Guard; (2) responding to disasters and civil disturbances; (3) reducing the importation of controlled substances; and (4) assisting Floridians at risk.

PROGRAM DESCRIPTION

The Department of Military Affairs (DMA) is an executive branch agency created by Chapter 250, Florida Statutes. The DMA is a military member's advocate in Florida state government and provides management oversight and administrative support to the Florida National Guard (FNG). The DMA provides community support in times of disaster and provides several outreach programs. The DMA is led by the Adjutant General, a federally recognized officer serving as both agency head of DMA and commanding officer of the FNG. With over \$404 million in federal funds and about \$24.1 million in state general revenue funding annually, the DMA manages a force of about 12,000 National Guard members, more than 1,900 full time military personnel, and 335 state employees.¹ Guard units are located in 55 communities across the state and 73,000 acres in training land. The DMA currently manages 61 armories statewide.

National Guard

When FNG units are not mobilized or under federal control, they report to the Governor. Under state law, the FNG provides protection of life and property and

¹ Department of Military Affairs website: http://dma.myflorida.com/?page_id=2, last visited 11/13/12.

preserves peace, order and public safety. Since September 11, 2001, more than 14,300 Florida Guardsmen have been mobilized.

The Camp Blanding Joint Training Center is a state owned facility managed by the DMA and the FNG as a training facility and a support base for statewide disaster response efforts. Federal, state and local training partners including all military branches and reserves components and National Guard units from others states, foreign militaries and law enforcement agencies also utilize the training center.

Community Outreach

The DMA provides community outreach and social programs such as the Florida Youth ChalleNGe Academy², About Face!³, Forward March⁴, Drug Demand Reduction⁵, and STAR BASE⁶ throughout the state.

RECENT LEGISLATION

Florida G.I. Bill

CS/CS/HB 7015 (2014) – The Florida G.I. Bill was a signature piece of legislation making up a joint House and Senate work plan proposed by Senate President Gaetz and House Speaker Weatherford. Among other things, the bill expanded education and employment opportunities for Florida’s military servicemembers, veterans, and

² The Youth ChalleNGe Academy is a cooperative effort between the Department of Education, Department of Juvenile Justice, Department of Children and Families, Clay County District Schools, and the Department of Military Affairs. The Academy is a 17 1/2 month voluntary program held at Camp Blanding and is geared toward Florida's 16 to 19 year old at-risk youth.

³ For the About Face! program, the Department of Military Affairs and the Florida National Guard work with the Florida Department of Children and Families and the State of Florida to provide life skills and drug awareness training, including mentoring assistance, to youth between the ages of 13 and 17 at National Guard armories throughout the state.

⁴ Forward March is an adult Temporary Aid to Needy Families (TANF) funded program which teaches job and life skills at National Guard facilities throughout the state.

⁵ The Drug Demand Reduction Program focuses on drug abuse education, prevention, and awareness by: awareness education to students throughout the state of Florida; providing personnel and equipment support to anti-drug coalitions and organizations within the state, summer training each year for approximately 1800 Junior ROTC cadets covering drug awareness and leadership topics, and sponsorship for Red Ribbon Week each October to show intolerance for drugs in our schools, our work places, and our communities.

⁶ STAR BASE is a Department of Defense youth program taught at the Florida Air National Guard’s 125th Fighter Wing in Jacksonville, Fla. The program is designed for at-risk youth, between the ages of 9-13. The program targets two areas of instruction: academic and behavioral.

their families. For example, the Florida G.I. Bill increases funding to the Florida National Guard's tuition assistance program, Educational Dollars for Duty, and allows eligible guard members to use funds for additional educational and training programs, such as to earn or maintain certain industry certifications.

The bill also appropriated funds to modernize and repair several of Florida's National Guard armories as well as to purchase land surrounding military installations to protect those installations from encroachment.

Legislative Contacts:

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DEPARTMENT OF VETERANS' AFFAIRS

TOTAL BUDGET = \$83.7 MILLION

FTE = 1,088.5

MISSION

The mission of the Department of Veterans' Affairs (DVA) is to advocate for Florida veterans and link them to superior services, benefits and support.

PURPOSE

The DVA provides assistance to all former, present, and future members of the Armed Forces of the United States and their dependents in preparing claims and securing compensation, hospitalization, career training, and other benefits or privileges to which they are entitled for their military service, without charge.

PROGRAM DESCRIPTION

The DVA is created pursuant to Section 20.37, Florida Statutes, and officially headed by the Governor and Cabinet. The Executive Director, who serves at the pleasure of the Governor and Cabinet, has administrative responsibilities, and is the primary spokesman and advocate for the agency and its constituency.

The DVA has three budgetary program areas: Executive Direction and Support Services, the Veterans' Homes Program, and Veterans' Benefits and Assistance. The DVA has headquarters in St. Petersburg and Tallahassee that provide executive direction and support services. The DVA provides services through two organizational units: the Division of Benefits and Assistance, and the State Veterans' Homes Program.

The DVA currently has an operating budget of \$83.7 million and 1,088.5 full-time equivalent staff positions. The DVA receives approximately \$7.2 million in state General Revenue funds annually. The remaining \$76.4 million is made available from DVA trust funds. For Fiscal Year 2012-13 the DVA has reported serving 100,712 veterans, and providing 578,337 total services to veterans.

The Veterans' Homes Program

The Veterans' Homes Program provides nursing care services, and assisted living services to eligible Florida veterans. This program operates six veterans' nursing

homes and one veterans' domiciliary home. The veterans' nursing homes provide full-service long-term residential care, and supervision by licensed registered nurses. Each nursing home has the capacity to serve 120 residents. The six nursing homes located across the state are:

- Alexander Sandy Nininger State Veterans' Nursing Home (Pembroke Pines);
- Baldomero Lopez State Veterans' Nursing Home (Land O' Lakes);
- Clifford Chester Sims State Veterans' Nursing Home (Springfield);
- Clyde E. Lasson State Veterans' Nursing Home (St. Augustine);
- Douglas T. Jacobson State Veterans' Nursing Home (Port Charlotte); and
- Emory L. Bennett Memorial Veterans' Nursing Home (Daytona Beach)

In September 2014, the DVA announced plans for a seventh nursing home to be located in St. Lucie County.

The Robert H. Jenkins Jr. Veterans' Domiciliary Home in Lake City, is an assisted living facility that provides residential, rehabilitative, and incidental medical care to eligible ambulatory veterans. The facility has a 150-bed capacity and provides a combination of housing, personalized supportive services, and incidental medical care to eligible veterans. Eligible veterans must be able to feed and dress themselves, and require assisted living care.

The Division of Administration provides administrative support for the DVA, including managing all accounting for the Veterans' Homes program.

The Division of Veterans' Benefits and Assistance

The Division of Veterans' Benefits and Assistance assists Florida veterans, their families, and survivors to improve their health and economic well-being through benefit information, advocacy, education, and long-term health care services. In addition, under a memorandum of agreement with the U.S. Department of Veterans Affairs (USDVA), this division approves and certifies Florida's education and training facilities and programs for veteran training under the GI Bill.

RECENT LEGISLATION

Florida G.I. Bill

CS/CS/HB 7015 (2014) – The Florida G.I. Bill was a signature piece of legislation making up a joint House and Senate work plan proposed by Senate President Gaetz and House Speaker Weatherford. Among other things, the bill expanded education

and employment opportunities for Florida’s military servicemembers, veterans, and their families. For example, as a result of the Florida G.I. Bill, all honorably discharged veterans will receive in-state tuition rates at Florida’s state universities, Florida College System institutions, career centers, and charter technical career centers.

The bill also appropriated \$12.5M in nonrecurring funds from the General Revenue Fund to modernize and repair several of Florida’s National Guard armories as well as \$7,489,975M in nonrecurring funds from the General Revenue Fund to purchase land surrounding military installations to protect those installations from encroachment.

Legislative Contacts:

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FLORIDA DEFENSE SUPPORT TASK FORCE

TOTAL BUDGET = \$5,892,843

MISSION

The mission of the Florida Defense Support Task Force (FDSTF) is to make recommendations to preserve and protect Florida's military installations to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for service members, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.

PURPOSE

The FDSTF is to be an aggressive and effective advocate to promote, preserve, protect and expand military missions and installations across the state of Florida.

PROGRAM DESCRIPTION

The FDSTF is charged with: (1) working with Florida's Base Commanders to prevent encroachment from impacting mission capabilities for military forces based in Florida; (2) maintaining and expanding the missions of Florida military installations; (3) improving transportation access to Florida's military installations; (4) assisting installations in meeting DOD renewable energy goals; and (5) strengthening state support for military families and veterans with a focus on education, health care, employment, and family programs.

The FDSTF was created during the regular session of 2011.⁷ The task force received a \$5 million appropriation in FY 2011-12 with the unexpended funds being carried over to the following fiscal year along with a \$2 million appropriation bringing the total budget of the task force to \$5,892,843 for FY 2012-13. The FDSTF is staffed by contract with Enterprise Florida, Inc.

⁷ CS/HB 143 (2011), Chapter 2011-76, L.O.F.

RECENT LEGISLATION

Florida G.I. Bill

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Legislative Contacts:

Rocky McPherson – T: (850) 298-6652; C: (407) 580-4862
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STAFF BIOGRAPHIES

Local & Federal Affairs Committee

Kerrington Kiner, Staff Director

Kerrington Kiner is the Staff Director for the Local & Federal Affairs Committee. During his time as a staffer in the Florida House of Representatives, Kerrington has been the Attorney for the Transportation & Highway Safety Subcommittee, as well as the Policy Chief for the Veteran & Military Affairs Subcommittee. Kerrington received his Bachelor of Arts in International Affairs from Florida State University. Kerrington is also a member of the Florida Bar and received his law degree from Florida State University College of Law.

Kimberly Young, Senior Administrative Assistant

Kimberly Young is the Senior Administrative Assistant for the Local & Federal Affairs Committee and the Veteran & Military Affairs Subcommittee. Kimberly received her Bachelor of Science degree from FAMU. In 1998 she relocated back to Florida and began working for the Department of Children & Families. In 2005 she began working for the Florida House of Representatives in the Community Colleges & Workforce Committee and the Committee on Postsecondary Education. Kimberly has spent the last four years in the Office of the Speaker.

Local Government Affairs Subcommittee

Eric Miller, Policy Chief

A member of The Florida Bar since 1984, Mr. Miller practiced privately and in government agencies in a number of areas, including administrative, bankruptcy, civil, commercial, and constitutional law. He is Florida Bar Board Certified in State & Federal Government and Administrative Practice and also admitted to practice in all federal district courts in Florida. Mr. Miller previously served as Attorney to the House Rulemaking Oversight & Repeal Subcommittee, working on numerous issues concerning rule ratification and revisions to the Administrative Procedure Act. In addition to his legal degree, in 2012 Mr. Miller earned his Master's degree in history with a thesis on the homestead protection provision in the Florida Constitution. He

also has authored or co-written several published articles and lectured on homestead, administrative law, and bankruptcy issues.

Mary Kassabaum, Administrative Assistant

Mary Kassabaum is the Administrative Assistant for the Local Government Affairs Subcommittee. She received her Bachelor of Arts from FSU in 2013. For the past two legislative sessions, Mary has worked for the Senate Committees on Community Affairs, Environmental Preservation and Conservation, as well as Commerce and Tourism.

Jill Zaborske, Senior Attorney

Jill Zaborske received her undergraduate degree from Lafayette College in 1997 and her law degree from Vermont Law School in 2001. She since has handled a diverse range of state, federal, and local legal matters. She began her legal career in Florida as a judicial law clerk for a United States District Court judge. Subsequently she worked for a private law firm specializing in all areas of local government law, for a private law firm specializing in white collar criminal defense and civil litigation and appeals, and for a private law firm handling a wide range of civil litigation matters. She also worked as an Assistant State Attorney and as a staff attorney for a non-profit handling civil litigation and appeals.

Jonathan Darden, Attorney

Jonathan Darden is a 2014 graduate of the Florida State University College of Law with a certificate in business law. During his time at Florida State, he was a member of the Journal of Land Use and Environmental Law, Moot Court, President of the Student Federal Bar Association, and served as an intern with the Leon County Attorney's Office and the Second Judicial Circuit. Mr. Darden is also a 2009 graduate of Emory University, receiving a Bachelor of Arts in Economics, and former research intern at the Federal Reserve Bank of Atlanta.

Veteran & Military Affairs Subcommittee

Jason Thompson, Legislative Analyst

Jason Thompson is the Legislative Analyst for the Veteran & Military Affairs Subcommittee. He received his Bachelor of Science from FSU in 2002 and began working for the Department of Highway Safety and Motor Vehicles at that time. In 2004, Jason was hired as a trainee with the House Transportation and Highway Safety Subcommittee. Jason has worked in several different subject areas within the House during the past 10 years. During the last two years, Jason was the Legislative Analyst for the Veteran & Military Affairs Subcommittee and Transportation and Highway Safety Subcommittee.

Jennifer Renner, Policy Analyst

Jennifer moved to Florida from Missouri 11 years ago. She has been with the House for 10 years and prior to being the analyst for the Veteran & Military Affairs Subcommittee, she was the analyst for the Agriculture & Natural Resources Subcommittee.