

LEAGUE OF WOMEN VOTERS OF COLLIER COUNTY
GOVERNMENT COMMITTEE HOT TOPICS
DECEMBER 6, 2006

THE COLLIER COUNTY COMMISSION'S 2007 LEGISLATIVE PRIORITIES:
WHAT ARE THEY ... AND HOW DO THEY COMPARE TO OURS?

LWV-Florida Legislative Priorities

Selected using input from local Leagues, the LWVF Board and other sources:

- 1) **Government in Florida:** Promote an open government that is responsive to the people of the state
 - a) **Florida Constitution:** Support basic law that assures a government responsive and accountable to the people of the state
 - b) **Election Law:** Support measures to protect, extend and encourage the use of the franchise and to advocate fair methods of financing political campaigns
- 2) **Natural Resources in Florida:** Promote an environment beneficial to life through the protection and wise management of natural resources in the public interest
 - a) **Growth Management:** Promote the management of natural resources as interrelated parts of life-supporting ecosystems
 - b) **Water Resources:** Support public policies that promote conservation of freshwater and its availability for environmental, public supply, agricultural, industrial and mining uses on a priority basis with the environment and public supply first

For a full statement of LWVF positions, see *Study and Action 2005-2007*, a LWVF publication. Background statements regarding each of the LWVF priorities follow as an Appendix to this outline.

Collier County's Proposed Legislative Priorities as of November 8, 2006

Background –

On November 8, 2006, the Collier County Board of County Commissioners (BCC) and the Collier County Legislative Delegation held a joint Pre-2007 Legislative Session Workshop to discuss Collier County's proposed 2007 state legislative priorities.

BCC Chairman Frank Halas will formally present the BCC's legislative priorities to the Legislative Delegation on December 19 at 2pm in the City Council Chambers, Naples City Hall, 735 8th Street South, Naples.

In attendance on November 8 –

BCC: Commissioners Coletta, Fiala, Halas, Henning (Commissioner Coyle was absent)
Legislative Delegation: Senator Burt Saunders, Representative Mike Davis, Representative Trudi Williams, Representative-Elect Garrett Richter (Representatives Denise Grimsley and David Rivera were absent)

1) Growth Management Glitch Bill (SB 360)

- a) Monitor closely to ensure Collier County can retain its ability to have stricter concurrency rules with respect to schools, infrastructure and water resources than required by SB360 (the 2005 Growth Management bill)
- b) Sen. Saunders said he would support a bill that provided "exception" for Collier County

2) Water Bill

- a) Continue to monitor developments regarding water issues and other public utilities-related issues
 - i) Ensure state money goes to Comprehensive Everglades Restoration and not to Water Management Districts

3) Insurance

- a) Discussion
 - i) Rep. Davis pointed out that, statewide, 80% of housing doesn't meet Collier County's current building code
 - (1) Commissioner Halas said people who take steps to storm-proof their homes should get rebates on their insurance
 - ii) Rep. Davis acknowledged and supports the grassroots efforts; says Monroe County grassroots efforts got 35% rate reduction
 - iii) Rep. Davis also thinks there may be support for spreading the risk nationally
 - iv) Rep. Richter says the answer is to increase competition, not have the government take on the more risk. He says, move away from Citizens and create more competition

4) Affordable Housing

- a) Background:
 - i) Under Sadowski Affordable Housing Act (1992), the documentary stamp tax on all real estate transfers in Florida was increased to provide a dedicated revenue source for affordable housing
 - ii) Beginning in 2001/2002, the legislature began “raiding” the trust funds, using the money for other purposes (e.g. schools, hurricane clean-up, environment)
 - iii) Naples Daily News 3/5/06 – “Affordable Housing to Dominate Session”
 - (1) “Last year, the skyrocketing housing prices pushed the doc stamp collections for affordable housing to nearly \$600 million. But the state allocated only \$193 million for affordable housing. Another \$250 million went toward hurricane housing.
 - (2) “Lawmakers left an accumulated \$400 million sitting in the housing trust fund, which when combined with projected 2006 revenue, is expected to swell the affordable housing coffers to about \$940 million.
 - (3) In 2005, “lawmakers placed a permanent \$243 million cap on the trust fund dollars that can be spent on affordable housing, beginning July 2007.
 - iv) In 2006 session, some legislators (including Rep. Davis) supported removing the cap but whether or not to spend it all was debated
 - (1) Spend it all – there is a need; fulfill it
 - (2) Don’t spend it all – will further increase our high construction and housing costs
- b) BCC Request: Support retaining the full amount of dedicated documentary tax revenues toward state and local affordable housing programs and removing the cap on Sadowski Funds for use for affording housing purposes
 - (1) Davis agrees with removing cap, but does not necessarily want to see the money spent on existing programs; last year sponsored new program (\$50M)
- c) Davis chairs a committee (reporting to the Speaker in mid-January) to address housing issues and acknowledges there is more to be done

5) Attorney/Court Fees

- a) Issue involves a county being charged “exorbitant” attorney’s fees in eminent domain cases + “that are not proportionate to the services provided” (per county)
- b) County requests change to existing legislation to reduce attorney fee awards
 - i) from 25% of the portion of the benefit between \$250,000 and \$1 million plus 20% of any portion of the benefit exceeding \$1 million
 - ii) to 10% of any portion of the benefit over \$250,000
- c) Discussion: attorneys end up getting the benefit of any increase in the appraised value of property being taken by eminent domain
- d) Davis said he agrees with county position and is glad the Florida Association of Counties is behind this as well

6) Portability of Homestead Property Assessments (Collier County opposed)

- a) Issue involves proposed homestead exemption portability that would mean that a Florida domiciled resident can take homestead benefit to any new Florida domicile
- b) County opposes “revisions to the homestead exemption that diminish the fiscal capacity of Florida’s counties or that substantially shift the burden of the property tax.”
 - i) Florida Association of Counties study said Collier County would be adversely affected – would have to raise property taxes by [\$ millions] to offset effect of proposal
- c) Florida Association of Counties proposes 3 policy guidelines regarding homestead portability
 - i) Within same county only (with local option reciprocity)
 - ii) Not restricted to only those homeowners downsizing
 - iii) One-time-only portability
- d) Sen. Saunders said, there’s going to be portability, so it is better to support some form of limited portability than to fight portability absolutely
 - i) He is on governor’s task force for property tax reform
 - ii) There will be a 2008 ballot initiative on portability
 - iii) Urges Florida Association of Counties to come up with something they can support; FAC proposal will not pass the legislature
- e) Commissioner Coletta, who serves on the FAC committee addressing this issue, was very surprised by Sen. Saunders comment; asked Sen. Saunders to help him draft language that can pass and bring it back to the BCC; Saunders agreed

7) Partial-Year Assessments

- a) Issue involves timing of real estate assessments for determining property taxes: currently done annually as of January 1
 - i) If you purchase your property after 1/1 and make improvements during the year, those improvements are not recognized by the property appraiser until the following year
 - ii) County says “a more effective way to generate the revenues necessary to pay for the services provided would be to appraise property as additions or newly-constructed homes are completed”
 - (1) Estimates this would generate between \$2 - \$3 million additional annual revenues
 - iii) Sen. Saunders said Rep. Goodlette tried to get this changed in the past and failed but said he would add it to the agenda of the property tax reform committee

8) Transportation Funding Tied to Seat Belt Use

- a) Issue is that federal funding is available to states that have mandatory seatbelt laws (which FL does not)

- b) In 2006, Rep. Slosberg introduced a mandatory seatbelt law (which Rep. Davis co-sponsored), but it died in committee
- c) Rep. Davis suggests FAC get behind this to help it this year

9) 311 Funding

- a) Issue: state matching funds for non-emergency and other government services telephone systems
- b) Bill was supported by Sen. Saunders and Rep. Davis and passed both houses in 2006 but was vetoed by Governor
- c) Both said they will follow up to ensure the bill is reintroduced in 2007

10) Cameras at Intersections to Catch Red-Light Runners

- a) Issue: bill would allow counties or municipalities to control red lights at intersections using traffic control camera, and provide system capability, design and implementation requirements, and citation of the motor vehicle owner
- b) Rep. Davis said he has supported this year years
- c) Bill was introduced in 2006 but died in committee
- d) Comm. Halas said he will try to get FAC support

11) Oppose Any Attempt to Change Impact Fees

- a) Issue: Attempts were made in 2006 that would have negatively affected Collier County's ability to utilize impact fees, and it is possible that similar efforts will be made in 2007

12) Requesting a Change in Florida Statutes to Elect Rather Than Appoint Florida Water Management District Governing Board Members

- a) Issue: County Commissioners feel powerless to protect our environment and best interests of Collier residents when decision-making authority rests with appointed, not elected, WMD governing board
- b) Rep.-Elect Garrett Richter and Rep. Trudi Williams disagree.
 - i) Williams: if elected, the deepest-pockets candidate(s) could control; benefit of appointed members is a diverse board... but would like to see House and Senate Appropriations Committees review and approve the WMD budgets and millage rates before going to Governor for approval
- c) Comm. Coletta says "trust the voters"
- d) Sen. Saunders agreed to look at BCC's position paper on subject
- e) Rep. Davis agrees something needs to be done
- f) For more information, see November Hot Topics presentation at <http://www.lwvcolliercounty.org/presentations.php>

13) Amend House Bill 7079 to Give All Counties the Latitude to Exempt Only Portions of their County with Unpaved Roads from All-Terrain Vehicle (ATV) Use

- a) Issue: Current law is all-or-nothing – either ATV use is permitted on all unpaved roads in a county – or none

- b) BCC seeks amendment to allow counties the latitude to allow ATV use only on portions of their unpaved roads
- c) Rep. Davis is supportive and will discuss with sponsor of last year's HB 7079 to see if he is amenable to amendment

14) Address Issues of Concern in Consultant Competitive Negotiation Act

- a) Issue: CC Purchasing Dept and County Attorney have received complaints about their interpretation and application of the consultant acquisition processes under the "Consultants Competitive Negotiation Act (CCNA)"
- b) Proposed alternatives were shared by CC with Florida Association of Public Purchasing Officers and received widespread support; 5 counties have confirmed their support
- c) Rep. Williams agrees with CC concern; suggest finding out why the CCNA was enacted as it was. If FAC supports CC proposal, could be a 2008 issue

Where are LWVCC's and BCC's priorities the same?

- 1) Only two areas:
 - a) Growth Management
 - b) Water
- 2) Our focus is on a policy level; BCC seeks specific tactical action

APPENDIX

Following are background statements regarding the LWVF 2007 legislative priorities as provided by LWVF at <http://www.lwvfla.org/president%20mailing%20aug2006.doc>.

GOVERNMENT in FLORIDA

The League of Women Voters of Florida supports an open government that is responsive to the people of the state. It has many positions relating to the Florida Constitution and Election Laws.

Initiative Process: In 1968 the League supported the constitutional citizen petition initiative procedure that the Constitution Revision Commission placed on the ballot. The amendment passed. The League's position is that Florida should have both constitutional and statutory initiatives, and that criteria should be developed to determine whether an initiative should be placed in the Constitution or in statutory law.

In the 2003 thru 2006 legislative sessions, the League worked with a coalition of groups opposing myriad efforts to restrict the citizens' ability to amend the Constitution through the initiative process with more successes than disappointments. In 2006, the League worked to defeat bills such as the subject filter bill, the fiscal impact bill, and a bill that would allow frivolous challenges to signatures on petitions. We will fight related bills in the 2007 session.

In 2006, the League also opposed a legislative attempt to "streamline" the Constitution by removing many of the citizen-initiated amendments already in the Constitution. The 2007 Legislature may defer writing more "streamlining" bills since a Constitution Revision Committee is scheduled for 2008.

Re-Appportionment by an Independent Entity: The Florida Legislature is responsible for dividing the state into voting districts that reflect changes in population after each census. This is a partisan process controlled by the party in power at the time. In the 2004 election, no incumbent was defeated. In the 2006 race, several district candidates have no opponents.

In 2005-06, the League worked with the nonpartisan Committee for Fair Elections (CFE), collecting signatures for redistricting by an independent commission. Although the CFE collected over 900,000 petitions, the Supreme Court rejected the amendment, ruling that it addressed more than one issue. The League is working with another nonpartisan coalition to craft a re-districting campaign for the 2008 election.

Rights Restoration: The League has worked with the Florida Rights Restoration Coalition (FRRRC) to encourage legislators to write a constitutional amendment that would automatically restore a former felon's rights after completing a sentence. Most of the rights restoration bills died in the 2006 session. The FRRRC will introduce more legislation during the 2007 session.

Campaign Finance: The League supports limitations on the amount and types of campaign contributions and disclosures about the source and expenditure of funds. In the 2006 session, a bill which would require elected officials to limit the monies obtained from special interest groups and to disclose same was stripped of the limit requirement but officials do have to disclose the dollar amounts obtained from the groups.

Voter Education: The League supports the Ballot Pamphlet Act which would require the State to provide information to all voters about statewide candidates, amendments and their fiscal impact; local supervisors would have to do the same for all local candidates and local initiatives.

NATURAL RESOURCES in FLORIDA

The League supports strong growth management that recognizes the interrelationship of air quality, energy, land use, waste management and water resources. In 1985 the Growth Management Act was passed; it required “public facilities and services”, like schools and transportation infrastructure, availability be concurrent with development. It also mandated that Local governments’ comprehensive plans must include proportionate fair-share mitigation for schools, parks and recreation, and transportation. Local governments were encouraged to develop a community vision and to adopt an urban service boundary; the latter must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. This boundary does not preclude development outside the boundary.

The League has opposed placing development of DRI (development of regional impact) under local government; the League has supported retaining Regional Planning Councils and funding of transportation concurrency.

In 2001 the governor and Department of Community Affairs (DCA) proposed sweeping changes to the growth management laws, claiming that current legislation was ineffective. The role of DCA was diminished, giving more authority to local officials to amend their comprehensive plans without state oversight. The League joined a Growth Management Coalition to review current laws and insure public participation at the local level.

In 2005, SB360 was passed; this bill requires a local government’s comprehensive plan to be financially feasible and the capital improvements element must include a schedule of improvements that ensure that adopted level-of-service standards are achieved and maintained. The capital improvements element must be reviewed annually to maintain a financially feasible 5-year schedule of capital improvements. The bill strengthens the link between development approval and water supply planning. There is a potable water element that must incorporate water supply projects identified by the local government from the regional water supply plan or proposed by the local government within 18 months after the update of the regional water supply plan. However, this bill focused on concurrency of public services and infrastructure demanded by growth; it did not protect natural areas.

After the 2005 session, the League sent a letter to Governor Bush asking that he veto HB759. Unfortunately, it was signed into law. It allowed the filling of many wetlands without a mitigation permit for at least 5 years in the Panhandle. During the 2006 session, the Pensacola League along with Leagues from Okaloosa County, Panama City, and Tallahassee, Clean Water Action, and the Sierra Club worked to get an Environmental Resources Permitting (ERP) bill passed. The bill will protect the wetlands in North Florida; however, it will not go into effect immediately and does not have recurring funding. It will certainly be seen again in the 2007 legislative session.

The League cannot work on Growth Management without focusing on wetlands and water in the state of Florida. Leaguers need to be aware of this type of legislation going forward in the 2007 session; it will affect each and every part of Florida