St. Johns County
2014 Legislative Action Plan

Presented for consideration by the
Board of County Commissioners

September 17, 2013

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1. **Transportation**

   a. **State Road 9B** – Include in the FDOT Work Program adequate funds to move this critical project from County Road 2209 to I-95 to construction at the earliest possible date; and make the critical State Road 9B roadway eligible for the greatest possible range of funding resources by designating it as a Strategic Intermodal System (SIS) Facility.

   b. **State Road 312, including the State Road 313 Bypass** – Request $95 million in state funds for the design, right-of-way acquisition, and construction of the State Road 313 Bypass from State Road 207 to State Road 16; and Request $30 million for the State Road 313 Bypass from State Road 16 North to Woodlawn Road.

   c. **I-95 Interchange with County Road 210** – Request $45 million in state funds for long-term improvements to the I-95 interchange with County Road 210 as specified by the preliminary Interchange Modification Report.

   d. **First Coast Outer Beltway** – Include in the FDOT Work Program adequate funds to move this critical project of the First Coast Outer Beltway from I-95 to US-17 to construction at the earliest possible date; ensure the highest funding prioritization for this critical First Coast Outer Beltway segment eligible for the greatest possible range of funding resources.

   e. **County Road 210 Overpass at U.S. 1** – St. Johns County requests $23 million in State funds for construction of a full interchange, including ramps, for the CR 210 overpass over U.S. 1 as phase two of this interchange project.

2. **Water Quality / Unfunded Mandates**

   a. **Total Maximum Daily Loads (TMDL) Regulations** – Request $60 million in State funds over the next five years to assist in complying with the existing unfunded mandates for TMDL’s contained within the County’s National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (MS4) permit. Alternatively, this funding could come from a specific and dedicated revenue source, authorized by the Florida Legislature, which is not currently available to local government jurisdictions.

   b. **New Environmental Protection Agency (EPA) Proposed Regulations (Numeric Nutrient Criteria)** – Request the Florida Legislature direct the Florida Department of Environmental Protection (FDEP) to initiate the collection and analysis of adequate, timely, and appropriate data upon which to base the establishment of Numeric Nutrient Criteria regulations specific to Florida. Also request, in the strongest manner, that the EPA delay further action until Florida has had sufficient time to study and understand the impact of these new regulations on our unique environment and fragile economy. Finally, request the Florida Legislature provide sufficient funds to allow timely compliance with the FDEP regulations when they are adopted. Ideally, this
funding would come from a specific and dedicated revenue source that is not currently available to local government jurisdictions.

3. **Amend Select Florida Statutes**
   
   a. **Public Record and Open Meeting Exemptions for Economic Development Agencies** – Amend Sections 286.0113 and 288.075, Florida Statutes, to enhance the confidentiality of economic development activities by allowing the Board of County Commissioners to deliberate in private regarding an economic development proposal and allow confidential information in the possession of an economic development agency to be provided to a member of the Board of County Commissioners without such communication being considered a disclosure which would terminate the confidential nature of the information.

   b. **Offer of Judgment and Demand for Judgment** – Amend Section 768.79(1), Florida Statutes, to allow for offers of judgment or offers of settlement pertaining to individual claims for damages, and thereby preserve the purpose of the statute.

   c. **Rental of Property Without Loss of Homestead Exemption** – Add a special rule to section 196.061, Florida Statutes, to allow rental of the same homestead parcel annually so as not to cause loss of homestead exemption.

   d. **Uniform Minimum Standards of County Roads** – Amend Section 336.045, Florida Statutes, to include an additional paragraph expressly authorizing Florida counties to plan to determine the reasonable level and frequency of road maintenance.

   e. **Recognize Inherent Danger of Surf and Other Naturally Occurring Beach Conditions along Florida’s Coast** – Amend paragraph 380.276(6), Florida Statutes, to include property and access to the present description of any injury or loss of life as matters that the Florida taxpayers, through governmental entities and their employees and agents, will not be held liable for damages or loss due to surf or other naturally occurring conditions.

   f. **Reform CCNA to Introduce and Optional "Best Value" Alternative** – Amend section 287.055, Florida Statutes, to establish an optional (alternative) process for state and local entities to consider cost in the award of professional services agreements pursuant to the Consultants Competitive Negotiation Act.

   g. **Attorney’s Fees for Raising Unsupported Claims** – Amend Section 57.105, Florida Statutes, so that the statute applies to any type of administrative proceeding.

   h. **Florida False Claims Act** – Amend portions of Sections 68.081-68.09, Florida Statutes, to make the Florida False Claims Act applicable to a county or municipality.

   i. **Tax Exempt Bond Status** – Oppose legislation, as cited by both the Florida Association of Counties and the National Association of Counties, that would limit the tax exempt status of municipal bonds, as doing so could increase borrowing costs for local governments and significantly diminish demand for bonds making it more difficult to finance local infrastructure projects.

   j. **Communication Services Tax** – Recommend Communication Services Tax legislation reform supported by both the Florida Association of Counties and the Florida Government Finance Officers Association that would ensure the Communication Services Tax remains a locally controlled revenue and remove competitive advantages within the industry by providing similar tax treatment to similar services.
k. **Tourist Development Tax** – Support Federal legislation, in conjunction with the Florida Association of Counties and the National Association of Counties, that would provide for comprehensive review of the current tourist development tax model and oppose legislation that would exempt a portion of online transient rental transactions that would ultimately result in reduced local bed tax revenues.

l. **Internet Sales Tax** – Recommend changing the law governing the remittance of sales tax on Internet purchases, which currently requires consumers to self-enforce submitting the sales tax without placing an undue burden on internet-based businesses.

4. **Housing & SHIP Funding**

   a. **Restoration of State Housing Initiatives Partnership (SHIP) Funding** – Request restoration of funding for SHIP affordable housing initiatives which will stimulate employment through housing rehabilitation as well as helping first-time homebuyers with SHIP down-payment assistance for the purchase of existing homes and other eligible redevelopment initiatives.

   b. **Advocate Bank Foreclosure Settlement for Housing-Related Programs** – Request allocation of bank foreclosure settlement for foreclosure prevention, neighborhood revitalization, affordable housing, homebuyer or renter assistance, legal assistance, counseling, and other housing related programs as intended.

5. **Failing Septic Tanks**

   a. **Federal/State Funding** – Request $25 million in federal/state funding to eliminate failing septic tanks and stormwater run-off problems in the West Augustine, Armstrong, and North Hastings areas.

6. **Beach Renourishment**

   a. **St. Johns County Shore Feasibility Study** – Request an additional $500,000 in federal funding for the continued study efforts required for evaluation of alternatives to protect shoreline along critically eroded areas within St. Johns County.

   b. **St. Augustine Inlet Management Evaluation Study** – Request $1 million in federal funding for the study efforts required for evaluation of alternatives to protect shoreline along critically eroded areas within St. Johns County.

   c. **St. Augustine Beach** – St. Johns County appreciates the Congressional Delegation support of this important federal appropriation of securing $13.86 million in federal funding through FY 2011 for the design and construction efforts of the third cycle of beach nourishment in St. Augustine Beach.

7. **Emergency Interoperability System**

   a. **Federal Funding** – Identify and request retroactive state or federal funds for construction of the 800MHz Public Safety Communications System.
8. **Health & Human Services**

   a. **Human Services Funding and Program Reform** – Request the State maintain level of funding for community mental health and substance abuse services, crisis intervention teams, and Criminal Justice Mental Health Substance Abuse Technical Assistance Centers, and assist in providing a residential detoxification center within St. Johns County. Oppose decentralization of the Department of Health, Health Care reform, and Medicaid Program expansion. Health and Human Services provides vital support to those in our community who are most in need of assistance. Reduced funding, depleted program support, and a decrease in staff impacts the department’s ability to fully serve the community.

   b. **Medicaid Billing Methodology** – Oppose HB5301 (Medicaid Billing) and its implementation and support a fair and equitable billing methodology for purposes of assessing the amount of county subsidization of the state’s Medicaid expenditures for nursing home services and an increase (matched) in the Low Income Pool allocation to our County.

9. **Judicial Priorities**

   a. **Juvenile Justice Programmatic and Financial Improvements** – Request the Florida Legislature to support programmatic and financial improvements to juvenile justice programs in the State of Florida consistent with recommendations from the Florida Association of Counties Public Safety Policy Committee 2011 Policy Statements.

   b. **Bonding and Pretrial Release** – Urge the Florida Legislature to support judicial discretion for setting bonds and establishment of pretrial release practices due to rising jail populations and the impact on county budgets.

10. **Library Funding**

    a. **State Aid** – Restore State Aid to Public Libraries funding to the $33,400,000 level appropriated in 2000-2001.

    b. **Library Cooperative Grants** – Restore funding for Library Cooperative Grants from the current $1.0 million to the $2.4 million appropriated in 2007-2008, which provide critical funding for Florida’s six multi-type library cooperatives.

11. **Recreation, Open Space & Land Conservation**

    a. **Grant Funding** – Request continued funding with full allocations to local governments for Florida Communities Trust Florida Forever Program, as well as continued legislative support for awareness of and funding opportunities for the A1A Scenic and Historic Coastal Byway and the William Bartram Scenic and Historic Highway.

    b. **Preservation of Agricultural Land** – Request legislation to assist counties in supporting local agriculture by the purchase of “Development Rights” that will ensure farm land will remain in permanent agricultural use, and to reduce punitive regulations that restrict the farmers’ ability to market their products, while dramatically increasing operating expenses, making it very difficult to produce sufficient income to sustain their operations.

    c. **Parks, Trails, and Recreational Funding** – Support legislation and initiatives that would allocate increased or additional funding to local governments for park, trail, and recreational infrastructure development and acquisition.
12. Unfunded Mandates

a. **State Cooperation** – Request the State to cooperate with local governments to collectively serve the citizens of Florida in the best way and be considerate of local governments when passing down unfunded mandates.

b. **Transfer Terms for Incarceration Amendments** – Oppose legislation that would prevent or delay the transfer of incarcerated individuals from County jail to state prisons, as such a measure could greatly increase the St. Johns County jail population and create an unfunded mandate of an estimated $1,621,851 million annually.

c. **75% Recycling Goal** – Establish adequate and appropriate state revenue sources dedicated to the cost of achieving the recycling rate goals established by HB 7243. Examples of such State revenue sources include, but are not limited to:
   i. A “bottle bill” requiring a deposit for all types of drink containers.
   ii. A plastic bag fee based on the number of bags ordered annually by any business.
   iii. Statewide mandatory commercial recycling by entities defined as “commercial”, including a fee for compliance monitoring and enforcement.
   iv. Statewide mandatory minimum recycling rate for construction and demolition debris facilities, including a fee for compliance monitoring and enforcement.
   v. Statewide mandatory recycling of collected yard waste, including a fee for compliance monitoring and enforcement.

13. Water Conservation/Water Quality

a. **Sustainable Florida and Water Conservation** – Support legislation that encourages research, policies, and best practices associated with appropriate water conservation and Sustainable Florida measures:
   i. Reinstate the annual State funding for alternative-water-supply development and water-quality improvement and make it a recurring source of annual state funding.
   ii. Support regional partnerships, incentives, and cooperative approaches to address long-term water sustainability in Florida.
   iii. Set a per capita target or goal for water use and quantifiable best management water practices and provide a stable funding base for the Conserve Florida program.
   iv. Support Florida-specific research on climate change and water management interrelationship to better understand the State’s water vulnerabilities and make appropriate, effective adaptations to water-planning regulatory and financial programs.
   v. Encourage regional visioning and support sustainable community design.
   vi. Strengthen Florida’s buildings to address issues of hurricane protection, insurance rates, water conservation, and energy conservation.
   vii. Continue the identification of Florida’s critical lands and waters and pursue new conservation methods.
## 2014 Legislative Priorities

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Subject:  State Road 9B

1. PURPOSE:
   
   a) Construct SR 9B from the terminus of the currently funded and under-construction project just north of the St. Johns County line to intersect with St. Johns Parkway (CR 2209), including an interchange connecting to Racetrack Road and the future alignment of Durbin Parkway.
   
   b) Ensure maximum eligibility of State, Federal and regional funding sources for State Road 9B (SR 9B) by designating it as a Strategic Intermodal System (SIS) Facility.

2. DISCUSSION/FACTS:

   a) The northwest quadrant of St. Johns County is growing at a very rapid rate. This entire quadrant has only three accesses to the north, where 40% of the County’s residents commute daily for work in Jacksonville. State Road 13 (SR 13) near the County’s western border is currently experiencing a deficient level of service. U.S.1 has a small amount of capacity remaining, but is already projected to become deficient as approved development is constructed. I-95 is accessible only at the County Road 210 (CR 210) interchange, where both the interchange and CR 210 in the area of the interchange reflect increasing congestion and declining levels of service. The CR 210 and I-95 interchange area is currently experiencing major congestion during both the morning and evening peak periods. There is a growing realization in Duval County that completion of the southern portion of SR 9B – between County Road 2209 (CR 2209) and I-95 - will relieve traffic congestion on State Roads in southern Duval County as well as in St. Johns.

   b) The two SR 9B roadway segments between CR 2209 and I-95 are included in the North Florida Transportation Planning Organization’s Long Range Transportation Plan. Phase I (U.S.1 to SR 9A/SR 9B Split, including the SR 9A/SR 9B Split Stub) is under construction and substantially complete. This is a design-build project at a cost of $68.4 million and should be completed by late summer 2013. Recently all of the remaining phases of SR 9B east of I-95, including construction, have been added to the FDOT’s Adopted 5-Year Work Program. The attached SR 9B map provides an overview for the entire SR 9B project. This leaves the segment between CR 2209 and I-95 unfunded (as depicted in blue on the attached SR 9B map) and now next in line for appropriate action as requested. Based on current costs, this segment is estimated at $112 million.

   c) The SR 9B connection from CR 2209 to I-95 offers the best and safest second access and connection for freight and home-to-work travel from northwest St. Johns County to I-95, SR 9A and the Jacksonville Port.

3. RECOMMENDATION:

   a) Include in the FDOT Work Program adequate funds to move this critical project from CR 2209 to I-95 to construction at the earliest possible date.

   b) Make the critical SR 9B roadway eligible for the greatest possible range of funding resources by designating it as a Strategic Intermodal System (SIS) Facility.
State Road 9B Extension

Disclaimer:
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown hereon.
November 28, 2012 j15459

*The graphic is a proposal, not a final alignment with finalized layout of the interchanges/intersections.
Subject: State Road 312, including the State Road 313 Bypass

1. PURPOSE:

a) Request $95 million for the proposed State Road 313 (SR 313) Extension/Bypass from State Road 207 (SR 207) to State Road 16 (SR 16).

b) Request $30 million for Design, Right-of-way Acquisition, and Construction from SR 16 north to Woodlawn Road.

2. DISCUSSION/FACTS:

a) The St. Johns County Commission has included this project among their top three priorities for several years. The SR 313 Bypass will create a half-loop around St. Augustine to relieve excessive congestion along U.S. 1 and provide an improved non-local travel route for our fast-growing county. The secondary effect is the improvement of local traffic conditions along the U.S. 1 corridor through St. Augustine.

b) The North Florida Transportation Planning Organization fully supports this project, which is included in the NFTPO Transportation Improvement Program.

c) The St. Johns County Chamber of Commerce adopted a resolution in support of this project on October 19, 2012. A copy of that resolution is included below.

d) The Final Environmental Impact Statement (PD&E) was completed in 1995 by the FDOT. This study proposed a tentative alignment for the controlled access bypass with two intersections between the SR 207 and U.S. 1 north connections. Intersections would be located at County Road 214 (CR 214) and SR 16.

e) In FY 2003-2004, St. Johns County funded a $2 million update of the original PD&E Study. Included was an update of the Environmental Impact Statement for the project and design sufficient to produce Right-of-Way maps identifying parcels to be acquired for right-of-way.

f) As a 2005 Federal Earmark, the SR 313 project was included in the Federal transportation budget. These funds allowed the FDOT to include final design and the acquisition of some rights-of-way in subsequent versions of the Work Program. The programmed funds are not sufficient to acquire all needed rights-of-way or initiate construction of any portion of the SR 313 Bypass.

g) In 2010 St. Johns County approved the Cordova Palms Development of Regional Impact. This approved DRI will, as mitigation for its transportation impact, provide all of the right-of-way and mitigation for the SR 313 Extension from Woodlawn Road north to U.S. 1, and will construct two lanes of an ultimate four-lane design along this segment. State assistance is still needed for the short segment from SR 16 north to Woodlawn Road.
h) Funding assistance is requested for two portions of the SR 313 Extension/Bypass: the southern portion of the SR 313 Bypass, between the SR 16 interchange, and the current terminus of SR 312 at SR 207. This portion will provide the greatest improvement to traffic congestion on the downtown St. Augustine portion of U.S. 1. Future right-of-way parcels are seriously threatened by new development demands in the area. Recently, adequate funds for right-of-way for this southern portion of SR 313 have been added to the FDOT’s 5-Year Work Program. This leaves construction unfunded and next in line for appropriate actions as requested.

i) Consistent with the description in section f) above, Cordova Palms DRI will provide right-of-way, mitigation, design of four lanes, and construction of two lanes from Woodlawn Road north to U.S. 1. This leaves only a one-mile segment, between SR 16 and Woodlawn Road, of the northern portion uncommitted. The cost estimate for this segment is estimated to be $30 million.

3. RECOMMENDATIONS:

a) St. Johns County requests $95 million in State funds for the design, right-of-way acquisition, and construction of the SR 313 Bypass from SR 207 to SR 16.

b) St. Johns County requests $30 million for the SR 313 Bypass from SR 16 north to Woodlawn Road.
St. Johns County Chamber of Commerce
Resolution of Support

WHEREAS The St. Johns County Chamber of Commerce seeks to support the health of the St. Johns County and State of Florida economies;

WHEREAS, Florida’s local and state transportation system directly impacts the costs and capabilities of St. Johns County and Florida businesses to transport materials and products;

WHEREAS, the development of the State Road 313 corridor was first requested by the St. Johns County Government in 1988, the PD&E work begun by Florida Department of Transportation in 1989, and the alignment of the Road established in 1996;

WHEREAS, a significant sum of local, state and federal funds and staff resources have been invested in the State Road 313 corridor project to date;

WHEREAS, the design is approximately 45% complete and approximately 23% of the right of way purchased for the northern section from SR 16 to SR 207;

WHEREAS, the Project has remained among the County Commissions top 3 transportation priorities since 1995;

WHEREAS, the development of transportation infrastructure requires a multi-year investment, multi-agency coordination and long-term outlook by business leaders, policy makers and planners;

WHEREAS, the proposed State Road 313 roadway will provide enhanced capacity and connectivity between SR 312 and SR 16 and offer an alternative to US 1;

THEREFORE, IT IS HEREBY RESOLVED by the St. Johns County Chamber of Commerce that the State of Florida should be strongly encouraged to retain the SR 313 Corridor, to include both the southern section from SR 16 to SR 207 and the northern section from SR 16 to US1, as a critical priority transportation project due to its potential impact on the St. Johns County and State of Florida economies.

\[ Signature \]
St. Johns County Chamber of Commerce Chairman

Date
Subject: I-95 Interchange with County Road 210

1. PURPOSE: Request $45 million for long-term improvements to the I-95 interchange with County Road 210 (CR 210) as specified by the forthcoming Interchange Modification Report.

2. DISCUSSION/FACTS:

   a) I-95 is the only interstate connection between St. Johns County and the greater Jacksonville urban area. The I-95 interchange with CR 210 is the only one serving the most densely populated north portion of St. Johns County. This interchange experiences severe congestion and significant safety concerns.

   b) An Interchange Modification Report (IMR) is now substantially complete and undergoing final review by FDOT and FHWA. Design, right-of-way, and construction dollars will be required for the IMR’s final approval and implementation. The report recommends a specific alternative that best serves existing and forecast future traffic.

   c) The I-95 interchange with CR 210 has been an established high priority for St. Johns County for several years. These projects are included in the First Coast Metropolitan Planning Organization Cost Feasible Plan of the 2030 Long Range Transportation Plan adopted in December 2004. These same projects are also in the Cost Feasible Plan of the 2035 Long Range Transportation Plan adopted in December, 2009 of the North Florida Transportation Planning Organization (f.k.a. First Coast Metropolitan Planning Organization).

3. CONCLUSION/RECOMMENDATION: St. Johns County requests $45 million in State funds for long-term improvements to the I-95 interchange with CR 210 as specified by the forthcoming Interchange Modification Report.
Subject: First Coast Outer Beltway

1. PURPOSE:

   a) Provide additional capacity across the St. Johns River as part of an overall corridor that addresses the area’s transportation deficiencies and serves existing and future development.

   b) Construct First Coast Outer Beltway from I-95 to US-17 as the next top priority segment, including interchanges at I-95, County Road 2209 (CR 2209), County Road 16A Spur, and US-17, with a bridge replacement and expansion of the Shands bridge crossing the St. Johns River.

2. DISCUSSION/FACTS:

   a) The combination of the Branan Field Chaffee Road (SR 23) and St. Johns River Crossing Corridor form the First Coast Outer Beltway around the Jacksonville metropolitan area. First Coast Outer Beltway would provide a direct connection, outside of the I-295 Beltway, between I-10 and I-95.

   b) The First Coast Outer Beltway segment from I-10 to one mile north of Argyle Forest Boulevard will be constructed as a design-build project where a design firm and contractor team up to complete design plans and construct the project. The estimated cost for the design and construction of this segment is $114.1 million. Dragados USA, Inc., of Coral Gables began design on June 7, 2013, and should begin construction in the Fall of 2013 and finish in 898 days (early 2016) at a cost of $76,890,000.

   c) The First Coast Outer Beltway segment from one mile north of Argyle Forest Boulevard to Blanding Boulevard (SR 21) will be constructed as a design-build project where a design firm and contractor team up to complete design plans and construct the project. The estimated cost for the design and construction of this segment is $110.4 million. Design and construction could begin in 2014.

   d) The First Coast Outer Beltway connection from I-95 to US-17 as the next segment would provide the greatest mobility for freight and home-to-work travel from Clay County to St. Johns County to Jacksonville area and would provide the needed capacity crossing the St. Johns River.

   e) Right-of-way funding has been programmed in the FDOT’s Five Year Work Program; however, there is no construction dollars.

3. RECOMMENDATION:

   a) Include in the FDOT Work Program adequate funds to move this critical project of the First Coast Outer Beltway from I-95 to US-17 to construction at the earliest possible date.

   b) Ensure the highest funding prioritization for this critical First Coast Outer Beltway segment eligible for the greatest possible range of funding resources.
Subject: County Road 210 Overpass at U.S. 1

1. PURPOSE: Request $23 million for the purpose of constructing a full interchange connecting the CR 210 overpass to U.S. 1 as a second phase.

2. DISCUSSION/FACTS:
   
a) CR 210 currently intersects U.S. 1 at two “T” intersections, separated in distance by almost one mile, due to the close proximity and significantly lower grade of the parallel Florida East Coast (FEC) railroad track. This decreases the capacity of CR 210, increases congestion on both CR 210 and U.S. 1, and degrades safety on both roads. During FY 2012 the NFTPO programmed funding for the needed bridge and the FDOT has subsequently let a design/build project as phase one of this interchange project.

b) A grade separated, two-lane overpass connecting CR 210 directly across the FEC railroad and U.S. 1 is currently under construction and will soon provide needed capacity, reduce congestion on both CR 210 and U.S. 1, and improve safety on both roads.

c) The addition of interchange ramps to the CR 210 overpass at U.S. 1 and expansion to a four-lane overpass as a second phase would add additional capacity, further reduce congestion, and further improve safety. The full interchange, including expansion to a four-lane overpass with ramps, is a design-approved and permit-ready project.

d) This project is included in the Cost Feasible Plan of the North Florida Transportation Planning Organization’s 2035 Long Range Transportation Plan.

e) The FDOT and St. Johns County have been working cooperatively on this project for several years. In 2004 St. Johns County provided $400,000 for a Project Development and Environmental Study, completed in 2007.

f) In 2007 two Federal earmarks for the CR 210 overpass / interchange at U.S. 1 was included in the Federal transportation budget. These funds allowed FDOT to include final design and some right-of-way in subsequent versions of the Work Program.

3. CONCLUSION/RECOMMENDATION: St. Johns County requests $23 million in State funds for construction of a full interchange, including ramps, for the CR 210 overpass over U.S. 1 as phase two of this interchange project.
Subject: St. Johns County Total Maximum Daily Load (TMDL) Regulations

1. PURPOSE:

a) Request $60 million over the next five years for the purpose of meeting unfunded mandates resulting directly from Total Maximum Daily Load (TMDL) regulations imposed by the Florida Department of Environmental Protection (FDEP) and the U.S. Environmental Protection Agency (EPA). If State funds are not available, this funding could come from a specific and dedicated revenue source established by the Legislature that is not currently available to local government jurisdictions.

b) These funds would be used to construct regional stormwater treatment facilities and implement other best management practices necessary to meet the TMDL requirements imposed by currently existing FDEP regulations. All projects and costs addressed herein relate directly to the reduction of non-point source stormwater pollutant loads to the St. Johns River and its tributaries.

c) In addition to these costs there are similar requirements related to Group 5, the eastern portion of St. Johns County, that will require equivalent actions and funding for stormwater treatment related to the Atlantic Intracoastal Waterway and its tributaries. These requirements are beginning to take effect and will continue to form over the next five years. There are currently no cost estimates for meeting the Group 5 requirements.

d) Absent the requested funding, adopt legislation providing relief from meeting the scheduled nutrient reduction requirements as set forth in the adopted Lower St. Johns River Basin Management Action Plans (BMAP).

2. DISCUSSION/FACTS:

a) St. Johns County has numerous impaired water bodies (FDEP 303d listed) that are influenced by existing land uses beyond County control (e.g., agriculture).

b) St. Johns County is one of very few local jurisdictions in the lower St. Johns River Basin that is required to accomplish significant nutrient load reductions entirely through non-point source water quality improvements. Non-point source nutrient load reductions are far more difficult and costly to achieve than point sources (e.g., wastewater treatment plants).
c) St. Johns County has a Phase II Municipal Separate Storm Sewer System (MS4) permit through which the TMDL program will be enforced. That permit expires in October, 2013; issuance of another permit will be contingent upon implementation of projects specified in the Lower St. Johns River BMAP.

d) St. Johns County, through the Lower St. Johns River BMAP, is required to reduce its nutrient discharges by 20,112 pounds per year of nitrogen and 948 pounds per year of phosphorus. These are already adopted TMDL’s, with a five-year implementation schedule that began in 2008 under the County’s National Pollutant Discharge Elimination System (NPDES) MS4 permit.

3. RECOMMENDATIONS:

a) St. Johns County requests $60 million in State funds over the next five years to assist in complying with the existing unfunded mandates for TMDL’s contained within the County’s NPDES MS4 permit.

b) Alternatively, this funding could come from a specific and dedicated revenue source, authorized by the Florida Legislature, which is not currently available to local government jurisdictions.
Subject: New EPA Proposed Regulations (Numeric Nutrient Criteria)

1. PURPOSE:

   a) Express extreme concern over new Federal Environmental Protection Agency (EPA) regulations, proposed for adoption by the Florida Department of Environmental Protection (FDEP), establishing numeric nutrient criteria (NNC) that lack sound scientific foundation. Request that any regulations be based on sound scientific data specific to Florida and not on negotiations with federal agencies.

   b) Request that any new regulations be accompanied by funding sufficient to allow timely implementation of adopted requirements without reliance on local government revenues. Emphasize that the economic impact of the proposed NNC regulations on local government jurisdictions and agricultural interests is expected to be even more significant than that of the current established Total Maximum Daily Load (TMDL) requirements.

   c) To assure all parties that St. Johns County supports appropriate regulations, including numeric nutrient criteria, necessary to assure that Florida’s surface waters are clean, safe, and healthy.

2. DISCUSSION/FACTS:

   a) The Federal EPA has (effectively) issued an ultimatum to the State of Florida that it must adopt and have in force NNC regulations by January 14, 2010, or regulators in Washington, DC, will develop and impose rules for them. This initial deadline was first extended, and then the NNC regulations were separated by location, each with its own deadline. The first of these NNC regulations became effective on November 15, 2010. Imposition of NNC regulations applicable to other locations, still without any improvement in scientific validity, still looms in 2014.

   b) The FDEP proposes to issue new regulations establishing specific NNC for phosphorus and nitrogen on an individual water body basis within Florida. Florida already has the toughest TMDL regulations in the country. Proposed regulations are as much as 14 times more stringent than existing TMDL requirements.

   c) Neither the FDEP nor the EPA appears to have developed Florida-specific data that supports any NNC, including those contained in the proposed regulations of the Department or the Agency. This is a highly technical issue that requires intimate knowledge of Florida’s unique ecosystem, and is best addressed by experts at the FDEP on the basis of adequate, timely, and appropriate data that is yet to be collected or analyzed.
d) EPA’s or FDEP’s proposed regulations would create an enormous new unfunded mandate on St. Johns County (and our state), with no mention of where the revenue will come from to meet the mandate. The resulting costs will inevitably be passed on to agricultural interests, small businesses, and residents by local jurisdictions, at a time when no one can afford such increased costs.

3. RECOMMENDATIONS:

a) Request the Florida Legislature direct the FDEP to initiate the collection and analysis of adequate, timely, and appropriate data upon which to base the establishment of NNC regulations specific to Florida. Request, in the strongest manner, that the EPA delay further action until Florida has had sufficient time to study and understand the impact of these new regulations on our unique environment and fragile economy.

b) Request that the Florida Legislature provide sufficient funds to allow timely compliance with the FDEP regulations when they are adopted. Ideally, this funding would come from a specific and dedicated revenue source that is not currently available to local government jurisdictions.
Subject: Public Record and Open Meeting Exemptions for Economic Development Agencies

1. PURPOSE: To revise Sections 286.0113 and 288.075, Florida Statutes, to read (addition of underlined phrases; deletion of strikethrough phrases):

   286.0113 General exemptions from public meetings.—

   (1) That portion of a meeting that would reveal a security system plan or portion thereof made confidential and exempt by s. 119.071(3)(a) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

   (2) For purposes of this subsection:

   (a)1. “Competitive solicitation” means the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.

   2. “Team” means a group of members established by an agency for the purpose of conducting negotiations as part of a competitive solicitation.

   (b)1. Any portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation as part of a competitive solicitation, or at which a vendor answers questions as part of a competitive solicitation is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

   2. Any portion of a team meeting at which negotiation strategies are discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

   (c)1. Any portion of a meeting to discuss or deliberate regarding commercial or financial information that has been received through an economic development agency, regarding information from a private corporation, partnership, or person concerning plans, intentions, or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state.

   2. Any portion of a meeting to discuss or deliberate the offer of a financial or other incentive regarding a private corporation, partnership, or person regarding intentions or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state.
1. A complete recording shall be made of any portion of an exempt meeting. No portion of the exempt meeting may be held off the record.

2. The recording of, and any records presented at, the exempt meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever occurs earlier.

3. If the agency rejects all bids, proposals, or replies and concurrently provides notice of its intent to reissue a competitive solicitation, the recording and any records presented at the exempt meeting remain exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A recording and any records presented at an exempt meeting are not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.

This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2016, unless reviewed and saved from repeal through reenactment by the Legislature.

288.075. Confidentiality of records

(1) Definitions.—As used in this section, the term:

(a) “Economic development agency” means:

1. The Department of Economic Opportunity;

2. Any industrial development authority created in accordance with part III of chapter 159 or by special law;

3. Space Florida created in part II of chapter 331;

4. The public economic development agency of a county or municipality or, if the county or municipality does not have a public economic development agency, the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality or the responsibilities related thereto;

5. Any research and development authority created in accordance with part V of chapter 159; or

6. Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.
(b) “Proprietary confidential business information” means information that is owned or controlled by the corporation, partnership, or person requesting confidentiality under this section; that is intended to be and is treated by the corporation, partnership, or person as private in that the disclosure of the information would cause harm to the business operations of the corporation, partnership, or person; that has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement providing that the information may be released to the public; and that is information concerning:

1. Business plans.

2. Internal auditing controls and reports of internal auditors.

3. Reports of external auditors for privately held companies.

(c) “Trade secret” has the same meaning as in s. 688.002.

(2) Plans, intentions, and interests. –

(a) Upon written request from a private corporation, partnership, or person, information held by an economic development agency concerning plans, intentions, or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 12 months after the date an economic development agency receives a request for confidentiality or until the information is otherwise disclosed, whichever occurs first.

2. Any communication from an economic development agency, or any member thereof, to an elected official of the governing board of a county or municipality concerning plans, intentions, or interests of a private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state shall not be considered a disclosure and will not waive the an existing request for confidentiality.

(b) An economic development agency may extend the period of confidentiality specified in paragraph (a) for up to an additional 12 months upon written request from the private corporation, partnership, or person who originally requested confidentiality under this section and upon a finding by the economic development agency that such private corporation, partnership, or person is still actively considering locating, relocating, or expanding its business activities in this state. Such a request for an extension in the period of confidentiality must be received prior to the expiration of any confidentiality originally provided under this section.

(c) A public officer or employee may not enter into a binding agreement with any corporation, partnership, or person who has requested confidentiality of information under this subsection until 90 days after the information is made public unless:

1. The public officer or employee is acting in an official capacity;

2. The agreement does not accrue to the personal benefit of such public officer or employee; and
3. In the professional judgment of the officer or employee, the agreement is necessary to effectuate an economic development project.

(3) Trade secrets.--Trade secrets held by an economic development agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) Proprietary confidential business information.--Proprietary confidential business information held by an economic development agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until such information is otherwise publicly available or is no longer treated by the proprietor as proprietary confidential business information.

(5) Identification, account, and registration numbers.--A federal employer identification number, unemployment compensation account number, or Florida sales tax registration number held by an economic development agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. DISCUSSION/FACTS:

   a) The proposed change to section 286.0113 would allow the Board of County Commissioners to deliberate in private regarding an economic development proposal. Currently, an economic development proposal remains confidential while it is before an economic development agency. However, the confidentiality does not extend to the point where any such proposal goes to the Board of County Commissioners. The increased confidentiality may spur additional economic development from entities that may otherwise not be amenable to discussing economic development activities due to the lack of confidentiality.

   b) The proposed change to section 288.075 would allow confidential information in the possession of an economic development agency to be provided to a member of the Board of County Commissioners without the possibility of such communication being considered a disclosure which would terminate the confidential nature of the information.

3. CONCLUSION/RECOMMENDATION: Amend Sections 286.0113 and 288.075, Florida Statutes, to enhance the confidentiality of economic development activities by allowing the Board of County Commissioners to deliberate in private regarding an economic development proposal and allow confidential information in the possession of an economic development agency to be provided to a member of the Board of County Commissioners without such communication being considered a disclosure which would terminate the confidential nature of the information.
Subject: Offer of Judgment and Demand for Judgment

1. **PURPOSE:** To revise Section 768.79(1), Florida Statutes, to read (addition of underlined phrases):

   In any civil action that includes one or more claims for damages filed in the courts of this state, if a defendant files an offer of judgment pertaining specifically to said claim(s) which is not accepted by the plaintiff within 30 days, the defendant shall be entitled to recover reasonable costs and attorney’s fees incurred by her or him or on the defendant’s behalf pursuant to a policy of liability insurance or other contract from the date of filing of the offer if the judgment is one of no liability or the judgment obtained by the plaintiff is at least 25 percent less than such offer, and the court shall set off such costs and attorney’s fees against the award. Where such costs and attorney’s fees total more than the judgment, the court shall enter judgment for the defendant against the plaintiff for the amount of the costs and fees, less the amount of the plaintiff’s award. If a plaintiff files a demand for judgment which is not accepted by the defendant within 30 days and the plaintiff recovers a judgment in an amount at least 25 percent greater than the offer, she or he shall be entitled to recover reasonable costs and attorney’s fees incurred from the date of the filing of the demand. If rejected, neither an offer nor demand is admissible in subsequent litigation, except for pursuing the penalties of this section.

2. **DISCUSSION/FACTS:**

   a) The purpose of Section 768.79(1) is to encourage resolution of disputed claims without the unnecessary consumption of scarce judicial resources.

   b) The purpose of Section 768.79(1) can be defeated by a plaintiff by merely including one or more claims for equitable relief in the civil action, thereby making the civil action not wholly a civil claim for damages, and ineligible for an offer of judgment or settlement under Section 768.79(1) (see Palm Beach Polo Holdings, Inc. v. Equestrian Club Estates Property Owners Association, Inc., 22 So.3d 140 (Fla. 4th DCA 2009); see also Winter Park Imports, Inc. v. JM Family Enterprises, 66 So. 3d 336 (Fla. 5th DCA 2011).

3. **CONCLUSION/RECOMMENDATION:** Amend Section 768.79(1), Florida Statutes, to allow for offers of judgment or offers of settlement pertaining to individual claims for damages, and thereby preserve the purpose of the statute.
Subject: Rental of Property without loss of Homestead Exemption

1. **PURPOSE:** Add a special rule to section 196.061, Florida Statutes, to allow rental of the same homestead parcel annually so as not to cause loss of homestead exemption.

2. **DISCUSSION/FACTS:**
   
a) Recommended language for special rule would include indicate that a homestead will not be considered abandoned if rented in consecutive years as long as the property:

   i. is not rented for more than 30 consecutive days

   ii. is not rented in aggregate for more than 30 days to any one tenant in any calendar year

   iii. is not rented in aggregate for more than 90 days in any calendar year.

3. **CONCLUSION/RECOMMENDATION:** Support legislation that would add a special rule to section 196.061, Florida Statutes, to allow rental of the same homestead parcel annually so as not to cause loss of homestead exemption.
Subject: Uniform Minimum Standards for Design, Construction, and Maintenance of County Roads

1. PURPOSE: To add a new paragraph to Section 336.045, Florida Statutes, to read:

   7) Counties are authorized to plan and conduct county road maintenance at a level and frequency reasonable under the circumstances, as determined by each county, considering public safety, the quality of the road, traffic volume, traffic speed, environmental conditions, economic considerations, signage, and other related factors.

2. DISCUSSION/FACTS:

   a) Florida Counties and other local governments are best situated to determine local conditions and determine the reasonable level and frequency of road maintenance.

   b) St. Johns County has a wide variety of inventory pertaining to its county roads, including different quality levels of paved roads, gravel roads, dirt roads and beach roads.

   c) With budget constraints, Counties are challenged to prioritize available transportation funds for the purposes of matching road maintenance with the pertinent factors of public safety, the quality of the road, traffic volume, traffic speed, environmental conditions, and other related factors.

3. CONCLUSION/RECOMMENDATION: Amend section 336.045, Florida Statutes, to include an additional paragraph expressly authorizing Florida counties to plan to determine the reasonable level and frequency of road maintenance.
Subject: Recognize Inherent Danger of Surf and Other Naturally Occurring Beach Conditions Along Florida’s Coast

1. PURPOSE: To amend paragraph 380.276(6), Florida Statutes, to recognize that property and access may be damaged by naturally occurring conditions along Florida’s coast.

2. DISCUSSION/FACTS:
   a) It is unfair and against public policy to hold Florida taxpayers in general responsible for unfortunate losses of property or access caused by changing surf and other naturally occurring conditions along coastal areas.

   b) Paragraph 380.276(6), Florida Statutes, already provides that any injury or loss of life caused by changing surf and other naturally occurring conditions are not matters that the State, State agencies, local and regional government entities or authorities, and their individual employees and agents can be held liable for. The same concept should apply to property and access caused by changing surf and other naturally occurring conditions along coastal areas.

3. CONCLUSION/RECOMMENDATION: Amend paragraph 380.276(6) to include property and access to the present description of any injury or loss of life as matters that the Florida taxpayers, through governmental entities and their employees and agents, will not be held liable for damages or loss due to surf or other naturally occurring conditions.

Paragraph 380.276(6) should be amended to read (recommended change shown in bold):

380.276(6) Due to the inherent danger of constantly changing surf and other naturally occurring conditions along Florida’s coast, the state, state agencies, local and regional government entities or authorities, and their individual employees and agents, shall not be held liable for any injury or loss of life, property, or access caused by changing surf and other naturally occurring conditions along coastal areas, whether or not uniform warning and safety flags or notification signs developed by the department are displayed or posted.
St. Johns County - 2014 Legislative Priority
Amend Select Florida Statute – CCNAReform

Subject: Reform Consultants Competitive Negotiation Act (CCNA) to Introduce an Optional “Best Value” Alternative

1. **PURPOSE:** To amend section 287.055, Florida Statutes, known as the Consultants Competitive Negotiation Act (CCNA), to introduce an optional “Best Value” (BV) alternative procurement method that public agencies could use at their discretion to meet their tactical needs.

2. **DISCUSSION/FACTS:**
   
a) Section 287.055, Florida Statutes, or the CCNA, has been law in Florida since 1973. The law has been amended on various occasions to modify existing or insert new procedural requirements and options. From its inception, the law has prescribed the use of a qualifications-based selection (QBS) and negotiation process for the procurement of professional services.

b) A coalition of professionals across Florida is advocating amending the law to give public agencies the discretion to continue to select professionals based strictly upon qualifications or elect to hire Architectural/Engineering services on a “best value” basis where both price and qualifications are ultimately part of the selection process.

c) Agencies supporting this initiative include the National Institute of Governmental Purchasing, the Florida Association of Counties, the Florida Association of Public Purchasing Officers, the Florida Government Finance Officers Association, several city and county agencies and several licensed professionals working in the public sector.

d) The alternative BV procedure being requested, like the QBS method, would focus primarily upon the qualifications of the competing firms. Unlike QBS, however, the BV method would introduce limited price competition, but only among the most qualified firms.

e) The reform would provide these benefits: a more objective and transparent method of selection; an additional method for procuring professional services that in some instances would better meet the needs of an agency and its constituents; the promotion of small business development, as qualified firms with lower overhead costs may be more competitive; and a means to more competitively evaluate and justify the overall value of each contract.

3. **CONCLUSION/RECOMMENDATION:** Amend section 287.055, Florida Statutes, to establish an optional (alternative) process for state and local entities to consider cost in the award of professional services agreements pursuant to the Consultants Competitive Negotiation Act.
Subject: Attorney’s Fees for Raising Unsupported Claims

1. PURPOSE: To revise Section 57.105, Florida Statutes, to read (addition of underlined phrases):

57.105 Attorney’s fee; sanctions for raising unsupported claims or defenses; exceptions; service of motions; damages for delay of litigation.—

(1) Upon the court’s or administrative adjudicator’s initiative or motion of any party, the court or administrative adjudicator shall award a reasonable attorney’s fee, including prejudgment interest, to be paid to the prevailing party in equal amounts by the losing party and the losing party’s attorney on any claim or defense at any time during a civil or administrative proceeding or action in which the court or administrative adjudicator finds that the losing party or the losing party’s attorney knew or should have known that a claim or defense when initially presented to the court or administrative forum or at any time before trial or final administrative hearing:

(a) Was not supported by the material facts necessary to establish the claim or defense; or

(b) Would not be supported by the application of then-existing law to those material facts.

(2) At any time in any civil or administrative proceeding or action in which the moving party proves by a preponderance of the evidence that any action taken by the opposing party, including, but not limited to, the filing of any pleading or part thereof, the assertion of or response to any discovery demand, the assertion of any claim or defense, or the response to any request by any other party, was taken primarily for the purpose of unreasonable delay, the court or administrative adjudicator shall award damages to the moving party for its reasonable expenses incurred in obtaining the order, which may include attorney’s fees, and other loss resulting from the improper delay.

(3) Notwithstanding subsections (1) and (2), monetary sanctions may not be awarded:

(a) Under paragraph (1)(b) if the court or administrative adjudicator determines that the claim or defense was initially presented to the court or administrative forum as a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law, as it applied to the material facts, with a reasonable expectation of success.

(b) Under paragraph (1)(a) or paragraph (1)(b) against the losing party’s attorney if he or she has acted in good faith, based on the representations of his or her client as to the existence of those material facts.
(c) Under paragraph (1)(b) against a represented party.

(d) On the court’s or administrative adjudicator’s initiative under subsections (1) and (2) unless sanctions are awarded before a voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorneys are, to be sanctioned.

(4) A motion by a party seeking sanctions under this section must be served but may not be filed with or presented to the court or administrative forum unless, within 21 days after service of the motion, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected.

(5) In administrative proceedings under chapter 120, an administrative law judge shall award a reasonable attorney’s fee and damages to be paid to the prevailing party in equal amounts by the losing party and a losing party’s attorney or qualified representative in the same manner and upon the same basis as provided in subsections (1)-(4). Such award shall be a final order subject to judicial review pursuant to s. 120.68. If the losing party is an agency as defined in s. 120.52(1), the award to the prevailing party shall be against and paid by the agency. A voluntary dismissal by a nonprevailing party does not divest the administrative law judge of jurisdiction to make the award described in this subsection.

(6) The provisions of this section are supplemental to other sanctions or remedies available under law or under court rules.

(7) If a contract contains a provision allowing attorney’s fees to a party when he or she is required to take any action to enforce the contract, the court may also allow reasonable attorney’s fees to the other party when that party prevails in any action, whether as plaintiff or defendant, with respect to the contract. This subsection applies to any contract entered into on or after October 1, 1988.

2. DISCUSSION/FACTS:

a) The purpose of Section 57.105 is to prevent the filing of frivolous legal claims.

b) Section 57.105 currently only applies to civil lawsuits and state administrative proceedings that are governed by Chapter 120, Florida Statutes. There are many other types of administrative proceedings that §57.105 does not currently apply to. In such proceedings, someone could bring a claim that is not supported by facts (i.e., a potentially frivolous claim) without having the prospect of liability for attorney’s fees being a factor that is considered in determining whether or not to bring such a claim. If §57.105 were to apply to additional types of administrative proceedings, the number of filed administrative claims that are not supported by facts would likely decrease substantially due to the potential for attorney fee liability.

3. CONCLUSION/RECOMMENDATION: Amend Section 57.105, Florida Statutes, so that the statute applies to any type of administrative proceeding.
Subject: Florida False Claims Act

1. **PURPOSE:** To revise Section portions of Sections 68.081–68.09, Florida Statutes, to read (addition of underlined phrases):

68.081  Florida False Claims Act; short title; purpose.—

(1)  Sections 68.081-68.09 may be cited as the “Florida False Claims Act.”

(2)  The purpose of the Florida False Claims Act is to deter persons from knowingly causing or assisting in causing state or local government to pay claims that are false or fraudulent, and to provide remedies for obtaining treble damages and civil penalties for state or local government when money is obtained from state or local government by reason of a false or fraudulent claim.

68.082  False claims against the state or local government entities; definitions; liability.—

(1)  As used in this section, the term:

(a)  “Agency” means any official, officer, commission, board, authority, council, committee, or department of a county, a municipality, or the executive branch of state government.

(b)  “Claim” includes any written or electronically submitted request or demand, under a contract or otherwise, for money, property, or services, which is made to any employee, officer, or agent of an agency, or to any contractor, grantee, or other recipient if the agency provides any portion of the money or property requested or demanded, or if the agency will reimburse the contractor, grantee, or other recipient for any portion of the money or property requested or demanded.

(c)  “Knowing” or “knowingly” means, with respect to information, that a person:

1.  Has actual knowledge of the information;

2.  Acts in deliberate ignorance of the truth or falsity of the information; or

3.  Acts in reckless disregard of the truth or falsity of the information.

No proof of specific intent to defraud is required. Innocent mistake shall be a defense to an action under this act.

(d)  “State government” means the government of the state or any department, division, bureau, commission, regional planning agency, board, district, authority, agency, or other instrumentality of the state.
(e) “Department” means the Department of Legal Affairs, except as specifically provided in ss. 68.083 and 68.084.

(2) Any person who:

(a) Knowingly presents or causes to be presented to an officer or employee of an agency a false or fraudulent claim for payment or approval;

(b) Knowingly makes, uses, or causes to be made or used a false record or statement to get a false or fraudulent claim paid or approved by an agency;

(c) Conspires to submit a false or fraudulent claim to an agency or to deceive an agency for the purpose of getting a false or fraudulent claim allowed or paid;

(d) Has possession, custody, or control of property or money used or to be used by an agency and, intending to deceive the agency or knowingly conceal the property, delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt;

(e) Is authorized to make or deliver a document certifying receipt of property used or to be used by an agency and, intending to deceive the agency, makes or delivers the receipt without knowing that the information on the receipt is true;

(f) Knowingly buys or receives, as a pledge of an obligation or a debt, public property from an officer or employee of an agency who may not sell or pledge the property lawfully; or

(g) Knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to an agency, is liable to the state or agency for a civil penalty of not less than $5,500 and not more than $11,000 and for treble the amount of damages the agency sustains because of the act or omission of that person.

(3) The court may reduce the treble damages authorized under subsection (2) if the court finds one or more of the following specific extenuating circumstances:

(a) The person committing the violation furnished officials of the agency responsible for investigating false claims violations with all information known to the person about the violation within 30 days after the date on which the person first obtained the information;

(b) The person fully cooperated with any official investigation of the violation;

(c) At the time the person furnished the agency with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this section with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation;
in which case the court shall award no less than 2 times the amount of damages sustained by the agency because of the act of the person. The court shall set forth in a written order its findings and basis for reducing the treble damages award.

68.083 Civil actions for false claims.—

(1) The department may diligently investigate a violation under s. 68.082. If the department finds that a person has violated or is violating s. 68.082, the department may bring a civil action under the Florida False Claims Act against the person. The Department of Financial Services may bring a civil action under this section if the action arises from an investigation by that department and the Department of Legal Affairs has not filed an action under this act.

(2) A person may bring a civil action for a violation of s. 68.082 for the person and for the affected agency. Civil actions instituted under this act shall be governed by the Florida Rules of Civil Procedure and shall be brought in the name of the State of Florida or in the name of the county or municipality bringing the action. Prior to the court unsealing the complaint under subsection (3), the action may be voluntarily dismissed by the person bringing the action only if the department gives written consent to the dismissal and its reasons for such consent.

(3) The complaint shall be identified on its face as a qui tam action and shall be filed in the circuit court of the Second Judicial Circuit, in and for Leon County. Immediately upon the filing of the complaint, a copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Attorney General, as head of the department, and on the Chief Financial Officer, as head of the Department of Financial Services, by registered mail, return receipt requested. The department, or the Department of Financial Services under the circumstances specified in subsection (4), may elect to intervene and proceed with the action, on behalf of the state, within 60 days after it receives both the complaint and the material evidence and information.

(4) If a person brings an action under subsection (2) and the action is based upon the facts underlying a pending investigation by the Department of Financial Services, the Department of Financial Services, instead of the department, may take over the action on behalf of the state. In order to take over the action, the Department of Financial Services must give the department written notification within 20 days after the action is filed that the Department of Financial Services is conducting an investigation of the facts of the action and that the Department of Financial Services, instead of the department, will take over the action filed under subsection (2). If the Department of Financial Services takes over the action under this subsection, the word “department” as used in this act means the Department of Financial Services, and that department, for purposes of that action, shall have all rights and standing granted the department under this act.

(5) The department may, for good cause shown, request the court to extend the time during which the complaint remains under seal under subsection (2). Any such motion may be supported by affidavits or other submissions in camera. The defendant is not required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon the defendant in accordance with law.
(6) Before the expiration of the 60-day period or any extensions obtained under subsection (5), the department shall:
   (a) Proceed with the action, in which case the action is conducted by the department on behalf of the state; or
   (b) Notify the court that it declines to take over the action, in which case the person bringing the action has the right to conduct the action.

(7) When a person files an action under this section, no person other than the department on behalf of the state may intervene or bring an action under this act based on the facts underlying the pending action.

(8) If a county or municipality files an action under this section, or an action is filed on behalf of a county or municipality, then the provisions of paragraph (3) of this section shall not apply. The complaint shall be identified on its face as a qui tam action and shall be filed in the judicial circuit in which the county or municipality is located.

2. DISCUSSION/FACTS:

   a) The purpose of the Florida False Claims Act is to deter persons from knowingly causing or assisting in causing state government to pay claims that are false or fraudulent, and to provide remedies for obtaining treble damages and civil penalties for state government when money is obtained from state government by reason of a false or fraudulent claim.

   b) The Florida False Claims Act does not presently apply to local governments (Florida Attorney General Advisory Legal Opinion 2011-10).

3. CONCLUSION/RECOMMENDATION: Amend portions of Sections 68.081-68.09, Florida Statutes, to make the Florida False Claims Act applicable to a county or municipality.
Subject:  Tax Exempt Bond Status

1. **PURPOSE:** Federal-level interest in limiting the tax exempt status of municipal bonds has been noted. As such legislation could potentially be incorporated into tentative Federal Tax Code reform, priority it to oppose any measure that would do so.

2. **DISCUSSION/FACTS:**
   
   a) Limiting or “capping” the tax-exempt status on municipal bonds could increase borrowing costs for local governments and significantly diminish demand for bonds making it harder to finance local infrastructure projects.
   
   b) Cited in December 2010 report by the National Commission on Fiscal Responsibility and Reform.
   
   c) Such legislation is opposed by the National Association of Counties and the Florida Association of Counties.

3. **CONCLUSION/RECOMMENDATION:** Oppose legislation that would limit the tax exempt status of municipal bonds, as doing so could increase borrowing costs for local governments and significantly diminish demand for bonds making it more difficult to finance local infrastructure projects.
Subject: Communication Services Tax

1. **PURPOSE:** Communication Services Tax legislation reform to ensure communication services tax remains a locally-controlled revenue, and remove competitive advantages within the industry by providing similar tax treatment to similar services.

2. **DISCUSSION/FACTS:**
   
   a) Current cellular phone communication services of similar purpose do not receive equal tax treatment, which in turn provides an unfair competitive advantage within the industry.

   b) Updated Communication Services Tax legislation is supported by both the Florida Association of Counties and the Florida Government Finance Officers Association.

3. **CONCLUSION/RECOMMENDATION:**
   
   Recommend Communication Services Tax legislation reform that would ensure the Communication Services Tax remains a locally controlled revenue, and remove competitive advantages within the industry by providing similar tax treatment to similar services.
Subject: Tourist Development Tax

1. **PURPOSE:** Provide for a comprehensive review of the current tourist development tax model and oppose legislation that would exempt a portion of online transient rental transactions that would ultimately result in reduced local bed-tax revenues.

2. **DISCUSSION/FACTS:**
   
a) Online travel companies and counties have been battling each other in courts and opposing potential legislation over the application of tourist development tax paid by customers to online travel companies such as Expedia, Orbitz, and Priceline.

   b) Supported by the National Association of Counties and the Florida Association of Counties.

3. **CONCLUSION/RECOMMENDATION:** Support Federal legislation that would provide for comprehensive review of the current tourist development tax model and oppose legislation that would exempt a portion of online transient rental transactions that would ultimately result in reduced local bed-tax revenues.
Subject: Internet Sales Tax

1. **PURPOSE:** Address the issue of Internet-based businesses having an unfair competitive advantage over businesses physically located within Florida relative to collecting sales taxes.

2. **DISCUSSION/FACTS:**
   
a) Sales tax should be paid on all transactions regardless of how a sale is made.

   b) Current law requires consumers to self-enforce by submitting the sales tax on Internet purchases. This leaves sales taxes on Internet transactions primarily unpaid.

3. **CONCLUSION/RECOMMENDATION:** Recommend changing the law governing the remittance of sales tax on Internet purchases, which currently requires consumers to self-enforce submitting the sales tax without placing an undue burden on Internet-based businesses.
Subject: Housing & SHIP Funding

1. **PURPOSE:** To encourage and respectfully request our delegation to support the County’s request for full funding of the State Housing Initiatives Partnership (SHIP) Program providing for the rehabilitation of low-income housing, down-payment assistance for first-time low and moderate-income homebuyers, and funding for other qualified affordable housing initiatives.

2. **DISCUSSION/FACTS:**
   
a) Although housing prices have fallen, credit requirements have tightened and the need for down-payment assistance is as important as ever. At the same time, older housing continues to deteriorate, thus the need for rehabilitation funding for low-income homeowners is increasing.

   b) There was minimal funding for FY 2011 to local government programs. Since it has a 3-year rolling base, our rehabilitation program with the St. Johns Housing Partnership is now expending the last of our funding.

3. **CONCLUSION/RECOMMENDATION:**
   
a) Request restoration of funding for SHIP affordable housing initiatives which will stimulate employment through housing rehabilitation as well as helping first-time homebuyers with SHIP down-payment assistance for the purchase of existing homes and other eligible redevelopment initiatives.

   b) Request allocation of bank foreclosure settlement for foreclosure prevention, neighborhood revitalization, affordable housing, homebuyer or renter assistance, legal assistance, counseling, and other housing related programs as intended.
Subject: Failing Septic Tanks

1. PURPOSE: To encourage, and respectfully request, our delegation to support the County’s request for funding of this critical public and environmental health issue in West Augustine, Armstrong, North Hastings, and other areas throughout St. Johns County in need of assistance with this matter.

2. DISCUSSION/FACTS:
   
a) St. Johns County has completed a study assessing the nature of stormwater and septic tank problems in various areas of the County. The referenced areas have many non-functioning septic tanks and large areas of stormwater run off. The funding would be used to install central sewer and storm water facilities in eligible areas.

b) St. Johns County has previously applied for a wastewater facilities grant from the State of Florida. The project was recognized by the Water Committee as viable and received funding support in the amount of $550,000 in the FY 2001 Budget, of which $400,000 went to the West Augustine project. The Legislature supported requests in FY 2002; however the Governor vetoed the projects. The County did receive $891,000 from the Legislature in 2006 for sewers in West Augustine.

c) St. Johns County is also encouraging our Congressional Delegation to provide financial assistance, and to date the County has received $835,000 from the Federal Government for similar sewer related projects.

d) St. Johns County completed construction of the major project and the expenditure of the balance of funding was completed in FY 2011. Additional funding is needed in order to further expand water and sewer throughout the West Augustine Community Redevelopment Area and to expand efforts to the Historic Communities of Armstrong and North Hastings, as well as eligible areas within St. Johns County.

3. CONCLUSION/RECOMMENDATION: Request $25 million in federal/state funding to eliminate failing septic tanks and stormwater run off problems in West Augustine, Armstrong, North Hastings, and other areas throughout St. Johns County in need of assistance with this matter.
**Subject: St. Johns County Shore Protection Feasibility Study**

1. **PURPOSE:** Request an additional $500,000 in federal funding to support the continued study efforts required for evaluation of alternatives to protect shoreline along critically eroded areas within St. Johns County.

2. **DISCUSSION/FACTS:**
   
a) The project consists of a multi-year federal study to determine the feasibility of beach restoration in South Ponte Vedra Beach, Vilano Beach, and Summer Haven. Though generally countywide in scope, it primarily focuses on three FDEP-designated critical erosion areas: the R-84 through R-94 beach segment that lies in South Ponte Vedra Beach, the R-109 through R-117 beach segment that lies in Vilano Beach north of St. Augustine Inlet, and the R-197 through R-209 beach segment that lies in Summer Haven at the south end of the county.

   b) The study will identify areas requiring beach management; conduct engineering, environmental, and economic analyses; and design feasible shore protection projects.

   c) A federal reconnaissance study for the project, completed in 2004, justified the need for a feasibility study. The United States Congress granted $452,000 to this project to fund the completion of the study during the FY 2009-2010 period through Federal Appropriations, and the project was also selected to receive stimulus funds through the American Recovery and Reinvestment Act program. During the 2010-2011 Fiscal Year the United States Army Corps of Engineers completed an updated Project Management Plan and determined an additional $2,000,000 will be needed to complete the Feasibility Study. The United States Congress has been asked to consider $500,000 in appropriations for the Shore Protection Project for FY 2014 to cover potential additional requirements. The Fiscal Year 2012-2013 appropriations were unsuccessful in procuring any funding.

3. **CONCLUSION/RECOMMENDATION:** Saving the beaches in St. Johns County is a quality of life issue for residents and visitors that has major economic consequences. Tourism is the major industry for St. Johns County, with the beaches attracting the majority of tourists. St. Johns County will encounter lost revenue and jobs if the beaches are not maintained to the standards required to bring visitors continually to the community. St. Johns County requests Congressional Delegation support of this important federal appropriation of an additional $500,000 in federal funding for the continued study efforts required for evaluation of alternatives to protect shoreline along critically eroded areas within St. Johns County.
Subject: St. Augustine Inlet Management Evaluation Study

1. **PURPOSE:** Request a $1 million in federal funding to support the study efforts required to evaluate shore protection and navigation project alternatives in support of the current Federally Authorized Navigation and Shore protection projects in the vicinity of the Saint Augustine Inlet within St. Johns County.

2. **DISCUSSION/FACTS:**

   a) The project will consist of an evaluation of alternatives to improve operation and performance of the Federally-authorized shore protection and the navigation projects. The evaluation is expected to include an analysis of alternatives to the permitted coastal construction activity that would minimize adverse impacts to the coastal system. The alternatives analyzed would include, but not be limited to:

   a. Evaluation of an alternative (offshore) borrow source for beach nourishment.
   b. Evaluation of the modification of the north jetty (groin) of St. Augustine Inlet.
   c. Evaluation of the existing and/or the addition of structures or other appropriate means of improving beach-fill performance of the currently authorized shore protection project.
   d. The alongshore limits of the zone of influence of the inlet on the adjacent open coast beaches.
   e. A comprehensive sediment budget for St. Augustine Inlet.
   f. An estimate of the quantity of beach-quality sand to be placed on the adjacent eroding beaches, on an average annualized basis, to balance the sediment budget of the inlet and adjacent eroding beaches.

   b) The study will identify areas where performance improvements to the overall performance of the two federally authorized projects.

3. **CONCLUSION/RECOMMENDATION:** With the current technology and computerized modeling software suites available, consideration of performance and operation improvements can lead to the overall project efficiencies and ultimately reduce the overall costs of the projects. Saving the beaches in St. Johns County is a quality of life issue for residents and visitors that has major economic consequences. St. Johns County requests Congressional Delegation support of this important federal appropriation of $1 million in federal funding for the study efforts required for evaluation of alternatives to protect shoreline along critically eroded areas within St. Johns County.
Subject: St. Johns County Beach Renourishment – St. Augustine Beach

1. **PURPOSE:** Is requesting $1,000,000 in federal funding for this project this fiscal year. The project Cycle 3 had been appropriated and the project was completed in 2012. The funding requested is needed to begin the sand-source identification plan as required by Federal Department of Environmental Protection (FDEP) to complete Cycle 4 in FY 2017. Cycle 4 of the beach nourishment will occur along Reach R137 – R151 (St. Augustine Beach between Anastasia State Park and Sea Colony) in St. Johns County, Florida.

2. **DISCUSSION/FACTS:**
   a) The 50-year nourishment project was authorized by the Water Resource Development Act in 1986 and reauthorized in 1999. The area was nourished in 2002 and renourished in 2005 following a series of tropical storms. The project area extends 2.5 miles from Anastasia State Park Recreation area through St. Augustine Beach. Nourishment will be provided at 5-year intervals over the life of the project. St. Johns County has secured $13.86 million under previous fiscal year appropriations through Fiscal Year 11 to support design and construction efforts to complete the third five-year interval nourishment project.
   b) Beach nourishment will help protect A1A, a major evacuation route for the community. The project will help the numerous businesses and homeowners along this road whose property is threatened by beach erosion.
   c) The FY 2002 Federal budget provided $18 million. The FY 2005 Federal budget provided $16 million. The Army Corps of Engineers requested the County pursue an appropriation for $1.2 million for design and $15 million for construction for the St. Augustine Beach renourishment project in FY 2009 and FY 2010. In FY 2009 the County received $7.0 million in supplemental funding to design and construct portions of the overall project. In FY 2010 the County received an appropriation of $700,000. Fiscal Year 11 secured additional money for an overall appropriation amounting to $13.86 million. These funds will be combined with State DEP and the County as the local share. The five-year-renourishment cycle was accelerated from FY 2006 to FY 2005 due to the 2004 and 2005 storms and hurricanes. Storm activity in 2007 has caused erosion that follows closely with the Beach models. Scheduled nourishment was completed in FY 12 and over the next several years biological and physical monitoring will continue at the State and local level.

3. **CONCLUSION/RECOMMENDATION:** Saving the beaches in St. Johns County is a quality-of-life issue for residents and visitors that also has major economic consequences. Tourism is the major industry for St. Johns County, with the beaches attracting the majority of tourists. St. Johns County will encounter lost revenue and jobs if the beaches are not maintained to the standards required to bring visitors continually to the community. St. Johns County appreciates the Congressional Delegation support of this important federal appropriation of securing $13.86 million in federal funding through FY 2011 for the design and construction efforts of the third cycle of beach nourishment in St. Augustine Beach. It has been a tremendous success. The County needs to begin funding the preliminary environmental study and design efforts for Cycle 4 in the amount of $1,000,000 to complete the design and permitting efforts for a nourishment cycle in 2017.
Subject: Emergency Interoperability System

1. PURPOSE:
   a) Request $22.5 million for the purpose of implementation of a county wide, interoperable, Public Safety Project 25 (P25) 800MHz Communications System.
   b) Request $9.5 million for the purpose of construction of nine (9) new communications tower sites and upgrade of two existing tower sites.
   c) Request $4 million for the purpose of construction of a combined Public Safety Communications Center.

2. DISCUSSION/FACTS:

   P25 - 800MHz Communications System
   a) Existing radio communications within St. Johns County is provided by independent public safety agencies within the County. Operating primarily in the VHF High Band, public safety agencies do not effectively communicate between systems.
   b) Motorola Report (site visit) February 5, 2003, determined over fifty percent of the Public Safety Communications system was made up of products outside the window of vendor support.
   c) Florida State Technology Office Report February 13, 2004, recommended short-term upgrading of the existing system with the long-term goal of implementation of a county wide interoperable Public Safety Communications system.
   d) RCC Consultants, Tallahassee, Florida, was contracted to evaluate the existing system, perform a needs assessment with County and City public safety agencies and develop specific communications recommendations to address future needs. In the RCC report dated January 17, 2005, RCC recommended implementation of a countywide, Project 25 compliant, 800 MHz trunked radio system to achieve the desired interoperability, traffic-carrying capacity and ensure sufficient capacity for future expansion requirements.
   e) St. Johns County was licensed for fifteen (15) NPSPAC allocated 800 MHz frequencies under a slow-growth implementation plan on October 6, 2006. The proposed system must be fully constructed by October 6, 2011, or the 800 MHz license will be revoked and the frequencies returned to the control of the Federal Communications Commission.
**Tower Sites**

a) Two existing tower sites must be upgraded to meet current construction standards.

b) System engineering requires the construction of nine (9) additional tower sites to achieve the required system coverage area.

**Combined Communications Center**

a) January 24, 2006, the North Central Florida Regional Planning Council conducted a Homeland Security Comprehensive Vulnerability Assessment of the existing Emergency Operations Center/Communications Center. The assessment cited a “great need” to relocate due to close proximity to the existing railroad tracks with the risk of transport of hazardous materials, close proximity to the ocean, and location in a Category 3 storm surge area with an elevation of 11 feet, among many other concerns.

b) In May 2009, the Emergency Operations Center relocated to a site West of Interstate 95 as a result of the concerns raised in the vulnerability assessment.

c) St. Johns County Public Safety agencies desire construction of a combined Communications Center to be located on county owned property adjacent to the new Emergency Operations Center, west of Interstate 95, in conjunction with the implementation of the proposed Project 25, Interoperable 800 MHz Communications System.

3. **CONCLUSION/RECOMMENDATION:** Identify and request retroactive state or federal funds for construction of the 800MHz Public Safety Communications System.
Subject: Implementing Community Based Solutions to Local Health & Human Services Issues

1. PURPOSE: Request the State to continue to support community-based solutions to local-health and human-services needs and oppose any state directives compelling local governments to provide services without providing appropriate funding.

2. DISCUSSION TOPICS:
   a) St. Johns County is committed to enhancing the quality of life for all its citizens. We therefore support, promote, and encourage the development of a system of community-based care for the critically needed health and human services of our County.

   b) We encourage our State delegation to support the County’s opposition to unfunded mandated programs.

   c) While counties should partner with the State to create viable systems of care, budget shortfalls at the state level should not be shifted to counties to shoulder the financial burden.

3. CONCLUSION/RECOMMENDATION:
   a) St. Johns County requests the state to maintain level funding for community mental health and substance abuse services, crisis intervention teams (CIT), and Criminal Justice Mental Health Substance Abuse Technical Assistance Centers, and assist in providing a residential detoxification center within St. Johns County. Oppose decentralization of the Department of Health, Health Care reform, and Medicaid Program expansion. Health and Human Services provides vital support to those in our community who are most in need of assistance. Reduced funding, depleted program support, and a decrease in staff impacts the department’s ability to fully serve the community.

   b) Oppose HB5301 (Medicaid Billing) and its implementation, and support a fair and equitable billing methodology for purposes of assessing the amount of county subsidization of the state’s Medicaid expenditures for nursing home services and an increase (matched) in the Low Income Pool (LIP) allocation to our County.
Subject: Juvenile Justice Programmatic and Financial Improvements

1. **PURPOSE:** Request the State Legislature to support programmatic and financial improvements to juvenile justice programs in the State of Florida.

2. **DISCUSSION/FACTS:**
   a) The goal of an effective juvenile justice program is to teach the juveniles how to become productive members of society.
   b) Providing quality, cost-effective, and accessible services to juvenile delinquents is an important component of both local and state government.
   c) St. Johns County believes it is in the best interest of juveniles, law enforcement, and the court system for offenders to be detained in a facility as close as possible to their home and with offenders of similar levels of violation.
   d) The Florida Association of Counties (FAC) has a Juvenile Justice section of its Public Safety Policy Committee 2011 Policy Statements, which address many important issues. St. Johns County supports the following FAC initiatives in this matter.

3. **RECOMMENDATIONS:** Request the State Legislature to support programmatic and financial improvements to juvenile justice programs in the State of Florida consistent with recommendations from the Florida Association of Counties Public Safety Policy Committee 2011 Policy Statements.
   a) Support the findings and recommendations of the Department of Juvenile Justice’s Blueprint Commission report.
   b) Support legislation that would give counties the option to invest in locally operated detention facilities and detention alternatives by reducing the number of children in the state’s detention facilities, ultimately reducing the amount counties contribute to the Department of Juvenile Justice (DJJ) Shared County State Trust Fund.
   c) Support legislation that allows counties to establish regional detention facilities.
   d) Support legislation creating an expenditure and operational efficiency review team made up of county and state representatives to discuss and review DJJ operations, as well as alternatives to detention.
   e) Support legislation that would establish a set per diem rate to create predictability and fairness in the cost of secure detention.
   f) Support legislation that implements juvenile detention alternatives and revises the Detention Risk Assessment Instrument to divert children from detention facilities.
   g) Support legislation allowing counties to charge juveniles, or the parents of juveniles, for the costs of providing pre-adjudicatory, secure detention care based on their availability to pay.
   h) Support uniform state funding of JAC Centers throughout Florida to strive to achieve equal treatment of youth offenders.
Subject: Bonding and Pretrial Release

1. PURPOSE: Request the Florida Legislature to support judicial discretion for setting bonds and establishment of pretrial release practices due to rising jail populations and the impact on county budgets.

2. DISCUSSION/FACTS:
   a) The Bureau of Justice Statistics reports that the direct expenditure on criminal justice by local governments has grown from $21 billion to over $109 billion from 1982 to 2006.
   b) The National Association of Counties states that there has been a significant rise in jail populations since 1990, in spite of a significant decrease in the reported crime rates during the same period.
   c) Data from the Bureau of Justice Statistics depicts that County jails primarily house pretrial defendants with two-thirds of jail inmates in an un-convicted status.
   d) The National Association of Counties’ analysis of national data reveals four times as many defendants serve time pretrial than are incarcerated after conviction, consuming costly jail resources.
   e) More than sixty percent (60%) of St. Johns County’s jail population consists of individuals in a pretrial status, most of whom are unable to post a monetary bond.
   f) The St. Johns County Public Safety Coordinating Council desires to ensure that defendants appear for court proceedings without wasting costly jail beds on defendant who can safely be released.
   g) On March 12, 2010, the St. Johns County Public Safety Coordinating Council adopted Resolution 2010-1 expressing support for judicial discretion in setting bonds in all cases and establishment of pretrial release practices due to the rising jail population and impact on county budgets.

3. RECOMMENDATIONS: Request the Florida Legislature to support judicial discretion for setting bonds and establishment of pretrial release practices due to rising jail populations and the impact on county budgets.
Subject: Library Funding

1. PURPOSE: Request state and federal funding that encourages the establishment and continued development of free library services.

2. DISCUSSION/FACTS:
   a) Access to Government Services, especially E-Government: Public libraries are the “go to” place when Floridians need to use a computer and access the Internet to get government services.
   b) Education and Reading: Libraries are the safety net that ensures students of all ages succeed in school. Florida’s public libraries offer almost 40 million items for learning and reading.
   c) Local Economic Development: Libraries provide vital services to small businesses, including research resources, educational programs, and assistance with business development. Libraries also help individuals with job searches and career development.
   d) Coordination of Resource Sharing: Through public libraries, Floridians can use resources from other libraries in their area and around the state via ground delivery service.
   e) Access to Shared Informational Databases: Public libraries provide access to hundreds of shared informational databases that would otherwise be unavailable to the general public.

3. RECOMMENDATION: The following issues are state funded and are included in the Florida Library Association’s 2014 Legislative Platform.
   a) Recommend the restoration of State Aid to Public Libraries funding from the current $22,298,834 to the $33,400,000 appropriated in 2000-2001. If funding is reduced further, vitally needed federal Library Services and Technology Act (LSTA) funds received by Florida will be reduced. Florida received LSTA funding of $8.1 million in 2012.
   b) Recommend restoration of Library Cooperative Grant funding from the current $1.0 million to the $2.4 million appropriated in 2007-2008. These funds are critical for Florida’s six multi-type library cooperatives (MLCs), which coordinate resource sharing so Floridians can use resources from other libraries through ground delivery and reciprocal borrowing services and continuously upgrade the skills of library employees.
Subject: Grant Funding for the Florida Forever Program and Scenic and Historic Byways

1. PURPOSE: Request continued State grant funding for the Florida Forever Program through the Department of Community Affairs and continued State and Federal Grant Funding for Scenic and Historic Byways

2. DISCUSSION/FACTS:

Florida Forever

a) The Florida Communities Trust Florida Forever Program has helped local governments purchase land for parks, recreation, open space, and conservation. St. Johns County has had several successful partnerships with the Florida Communities Trust to purchase land through the Florida Forever Program.
b) Developing land to provide parks and recreation facilities is important to the quality of life for residents and visitors to St. Johns County.
c) Through development programs such as Florida Recreation Development Assistance Program, Land and Water Conservation Fund, and Office of Greenways and Trails Recreational Trails Program, St. Johns County is able to build parks for 50 cents on the County dollar.

Scenic and Historic Byways

a) St. Johns County is home to the A1A Scenic and Historic Coastal Byway as designated by the National Federal Highway Administration’s (FHWA) National Scenic Byway program and the William Bartram Scenic and Historic Highway as designated by the Florida Department of Transportation (FDOT).
b) Both of these designated roadways are supported by strong volunteer groups and non-profit, community-based organizations.
c) The designated byways are important scenic and historic gateways into St. Johns County that strongly promote St. Johns County’s history, tourism, local economy and growth management efforts, as well as the Northeast Florida region.
d) In the past St. Johns County has been very fortunate to receive several national (via FHWA) and state (via FDOT) grants for various beautification projects along both the A1A Scenic and Historic Coastal Byway and the William Scenic and Historic Highway.

3. CONCLUSION/RECOMMENDATION: As St. Johns County continues to grow, it is important to continue to conserve lands for parks, recreation, and open space for future generations. St. Johns County requests the State Legislature continue to fund the Florida Communities Trust Florida Forever Program and maintain full funding allocations to local governments. Additionally, because the A1A Scenic and Historic Coastal Byway and the William Bartram Scenic and Historic Highway are important to the historical culture of St. Johns County and to tourism of northeast Florida, St. Johns County requests legislative support for awareness of these designated scenic and historic roadways and for funding opportunities for their protection and enhancement.
Subject: Preservation of Agricultural Land

1. **PURPOSE:** Request the 2011 Florida Legislature to support legislation to assist counties in acquiring development rights to reserve land for working agricultural lands, and to revise legislation to encourage farm-to-consumer marketing.

2. **DISCUSSION/FACTS:**
   
a) St. Johns County is losing its agricultural base due to rapid development and punitive regulations imposed on our farmers by State and Federal government.

b) Thirty-three percent of working agricultural croplands (excluding silviculture) were converted to non-agricultural use between 1997 and 2007. Agriculture has a more than $400 million economic impact annually to St. Johns County.

c) The National Strategy for Homeland Security, issued in 2002, states “America’s critical infrastructure encompasses a large number of sectors. Our agriculture, food, and water sectors, along with public health and emergency service sectors provide the essential goods and services Americans need to survive”

d) St. Johns County has actively supported our farming community by advocating for regulatory relief, support of “Development Rights” programs, and assistance with exploration of new markets.

e) The options for St. Johns County to assist farmers in preserving their way of life are limited. Funding for purchasing “Development Rights” is beyond the reach of County government. The most onerous regulations are imposed by State and Federal government, and are not easily impacted by County government.

3. **CONCLUSION/RECOMMENDATION:** St. Johns County requests the Florida Legislature to support legislation to assist counties in supporting local agriculture by the purchase of “Development Rights” which will ensure farm land will remain in permanent agricultural use, and to reduce punitive regulations that restrict the famers’ ability to market their products, while dramatically increasing operating expenses, making it very difficult to produce sufficient income to sustain their operations.
Subject: Funding for Parks, Trails, and Recreational Projects

1. **PURPOSE:** Allocate increased or additional funding to local governments for park, trail, and recreational infrastructure development and acquisition.

2. **DISCUSSION/FACTS:**
   
a) Parks, trails, and recreational projects contribute greatly to the quality of life of any community and are integral to the overall health and welfare of residents throughout St. Johns County.

b) Parks, trails, and open spaced have been proven to provide vital public health, economic, environmental, and social benefits to a community.

c) According to the United States Department of Agriculture, almost 80 percent of the population in the United States lives in suburban or urban areas and depends on the benefits provided by local parks, trails, and conserved open spaces.

3. **CONCLUSION/RECOMMENDATION:** Support legislation and initiatives that allocate increased or additional funding to local governments for park, trail, and recreational infrastructure development and acquisition.
Subject: Unfunded Mandates

1. PURPOSE: Request the State to cooperate with local governments to collectively serve the citizens of Florida in the best way and be considerate of local governments when passing down unfunded mandates.

2. DISCUSSION/FACTS:

a) A central feature of Florida's system of public finance is a division of revenue sources and service-delivery responsibilities between government at the state and local levels. Since 1940, the authority to levy ad valorem taxes on tangible property has been constitutionally restricted to local governments. All other forms of taxation are preempted to the state except as provided by general law.

b) Since at least the early 1970s, this division of resources between state and local government has become increasingly imbalanced. Many statutory and constitutional restrictions have been placed on local property taxes, while at the same time general purpose local governments have been assigned unfunded mandates in growth management, environmental protection, pensions, worker's compensation, and other policy areas.

c) Between 1969 and 2008, 113 amendments to the Florida Constitution have been approved by voters. Thirty-nine amendments affected the fiscal capacity of state or local government. Of these, 32, or 82 percent, originated in the Legislature. Most of the amendments proposed by the Legislature increased the fiscal capacity of the state government (85 percent) but decreased the fiscal capacity of local government (69 percent).

d) In the mid-1980s, Florida enacted growth management legislation that required general purpose local governments to keep roads and other capital facilities abreast of population growth. The Legislature's effort to fund this "concurrency" requirement with state revenues failed when political support for the so-called "services tax" faltered. Local governments were forced by the concurrency requirement on roads, drainage, parks, and schools to raise property taxes, supplement general revenues with other sources of income, accept lower levels of service for facilities not included in Florida's concurrency-management system, and rely on the state government to grant them authority to levy other (non-ad-valorem) types of taxes.

e) In 1990, voters amended the Florida Constitution to exempt counties and cities from future unfunded mandates unless the legislation is approved by a two-thirds membership vote of each house, or it meets other special conditions. However, the unfunded mandates amendment had little lasting effect on the frequency with which unfunded mandates were enacted. Although the number of mandates declined significantly in the years surrounding the passage of the unfunded
mandates amendment, the number soon rose above previous highs and remained there in most years up to the present.

f) The unfunded mandates amendment also had only a modest impact on the costs that unfunded mandates were imposing on local governments. Since 1990, annual costs of unfunded mandates, adjusted for inflation, have never reached the 1980 level of $100 million, but in most years they have been at least $25 million, and in several years they have been in excess of $50 million.

g) The costs of most mandates are modest, or are at least judged so in the analyses of legislative staff. Since 1978, the Legislature has enacted 1,950 unfunded mandates. Of these, 88 percent were either judged to have no costs, or the costs were not determined. The costs of another 5 percent were estimated to be greater than zero but less than $10 million each. Only 1 percent of all unfunded mandates since 1978 have cost local governments more than $10 million.

h) The large number of mandates with moderate costs for local government in the year of enactment obscures the cumulative costs of mandates as they are layered on top of one another year after year. The costs of unfunded mandates enacted in Year One are also imposed in Year Two and each subsequent year. The rolling total reached $11 billion by 1990 when the unfunded mandates amendment was adopted. Since then it has risen above $15 billion.

3. **CONCLUSION/RECOMMENDATION:** Request the State to cooperate with local governments to collectively serve the citizens of Florida in the best way and be considerate of local governments when passing down unfunded mandates.
Subject: Transfer Terms for Incarcerated Individuals

1. PURPOSE: Oppose legislation that would prevent or delay the transfer of incarcerated individuals from County jail to state prisons.

2. DISCUSSION/FACTS:
   a) Measures that would delay the transfer of convicted, sentenced, and incarcerated individuals from county jail to a state prison have been discussed as a budget management tool.
   b) Such a measure could greatly increase the St. Johns County jail population and create an unfunded mandate of an estimated $1,621,851 million annually.

3. CONCLUSION/RECOMMENDATION: Oppose legislation that would prevent or delay the transfer of incarcerated individuals from County jail to state prisons, as such a measure could greatly increase the St. Johns County jail population and create an unfunded mandate of an estimated $1,621,851 million annually.
St. Johns County - 2014 Legislative Priority

Unfunded Mandates – 75% Recycling Goal

Subject:  Support the Recycling Goals adopted in House Bill 7243, provided that no unfunded mandates are imposed on local governments.

1. **PURPOSE:** Request that policies adopted by the Florida Legislature assure that no unfunded mandates, such as those included in HB 7243, are imposed on local jurisdictions in either the short term or for the future.

2. **DISCUSSION/FACTS:** Passed in 2009, House Bill 7135 contained provisions that established a state-wide recycling goal to be met by 2010. In 2010 House Bill 7243, addressing amendments and clarifications to previous State recycling policies including HB 7135, was passed.

   a) With the passage of HB 7243, the Florida Legislature has not appropriated any new funds or identified any new revenue sources to implement the new recycling law; Counties would be on their own for at least the first several years relative to implementing the required recycling programs. HB 7243 requires affected public entities (cities and counties) to meet the following recycling rate goals by December 31 of the following years: 2012/40% – 2014/50% – 2016/60% – 2018/70% – 2020/75%. This legislation will force many counties to make dramatic policy and infrastructure changes during the initial stages of this mandated progression without any funding support from the State.

   b) Recycling is carried out by and at the expense of local government jurisdictions using local revenue with no State funding.

   c) Recycling in St. Johns County currently costs residents $43 per household per year and covers only household waste recycling.

   d) Increasing the rate of recycling in St. Johns County from its current level of 16% (last Florida Department of Environmental Protection report year – 2012) to the 2014 level of 50% will require new local ordinances mandating increased levels of commercial recycling (businesses, yard waste, construction debris) as well as augmented residential recycling, which cannot be implemented without cost.

   e) Recycling in Florida’s existing economy is not economically self-supporting and is not expected to become self-supporting in the foreseeable future. Therefore, increasing the percentage of waste recycled will necessarily increase the cost of recycling.

   f) Unless adequate and appropriate revenues are generated at the State level and dedicated to support the real cost of increased recycling rates, the result of HB 7243 will be a significant, unfunded State mandate to local jurisdictions.

   g) Therefore, St. Johns County supports the recycling goals established in HB 7243 only if adequate and appropriate State revenues are dedicated to the cost of achieving these goals.
h) St. Johns County does not support the distribution of state funds through competitive grants; distribution of revenues on the basis of population is the preferred methodology.

3. CONCLUSION/RECOMMENDATION: Establish adequate and appropriate State revenue sources dedicated to the cost of achieving the recycling rate goals established by HB 7243. Examples of such State revenue sources include, but are not limited to:

i. A “bottle bill” requiring a deposit for all types of drink containers.
ii. A plastic bag fee based on the number of bags ordered annually by any business.
iii. Statewide mandatory commercial recycling by entities defined as “commercial”, including a fee for compliance monitoring and enforcement.
iv. Statewide mandatory minimum recycling rate for construction and demolition debris facilities, including a fee for compliance monitoring and enforcement.
v. Statewide mandatory recycling of collected yard waste, including a fee for compliance monitoring and enforcement.
Subject: Sustainable Water and Water Conservation


2. **DISCUSSION/FACTS:**

   a) It is crucial to ensure an adequate and reliable water supply for current and future generations of Florida residents.

   b) Mapping Florida’s most critical natural resources and pursuing new conservation methods should be a high priority in Florida.

   c) Florida must put increased focus on designing communities and buildings that are sustainable.

   d) A central organizing theme for all state public policy and agencies should be creating a sustainable Florida within one generation.

3. **CONCLUSION/RECOMMENDATION:** St. Johns County requests support of legislation that encourages research, policies, and best practices associated with appropriate water conservation and Sustainable Florida measures:

   i. Reinstate the annual state funding for alternative water supply development and water quality improvement and make it a recurring source of annual state funding.

   ii. Support regional partnerships, incentives, and cooperative approaches to addressing long-term water sustainability in Florida.

   iii. Set a per capita target or goal for water use and quantifiable best management water practices and provide a stable funding base for the Conserve Florida program.

   iv. Support Florida-specific research on climate change and water management interrelationship to better understand the state’s water vulnerabilities and make appropriate and effective adaptations to water-planning regulatory and financial programs.

   v. Encourage regional visioning and support sustainable community design.

   vi. Strengthen Florida’s buildings to address issues of hurricane protection, insurance rates, water conservation, and energy conservation.

   vii. Continue the identification of Florida’s critical lands and waters and pursue new conservation methods.