

INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS



2021 State Legislative Program

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Guiding Principles

The ability to maintain home rule and to avoid unfunded mandates are central to Indian River County's state legislative priorities and concerns. Indian River County works with the Florida Association of Counties (FAC) and other local governments across the State of Florida to advocate for these ideals. In general, Indian River County Board of County Commissioners (BCC) supports FAC's legislative policy statements.

- Indian River County BCC **SUPPORTS** maintaining the integrity of county home rule power, both administrative and fiscal, which allows counties to develop and implement community-based solutions to local problems.
- Indian River County BCC **OPPOSES** any unfunded mandate legislation which would compel local governments to provide a service, program, or benefit without providing the appropriate monies or a funding source.

Legislative Priorities And The County's Position

1. Indian River Lagoon

Background: The 156-mile-long Indian River Lagoon (“Lagoon”) is one of the most biodiverse ecosystems in the nation and is a treasure for the State of Florida. The Lagoon provides an economic benefit by promoting tourism and creating recreational opportunities for residents. The Lagoon is also an important element in the protection of our environment, including endangered and protected plant and animal populations.

As guardian of 22 miles of the Lagoon, Indian River County (“County”) has been a pioneer for the development and deployment of new water quality technologies. Using a mixture of Optional Sales Tax, Utilities funds, and grant funding, the County has invested over \$29 million dollars on four infrastructure projects aimed at improving the health of the Lagoon. Collectively, the County’s projects have removed over 128,000 pounds of Total Nitrogen and over 29,000 pounds of Total Phosphorus from canals which lead to the Lagoon.

The County hopes to continue its partnership with the State of Florida on future ventures that will reduce the nutrient load in the Lagoon so future generations can enjoy this natural wonder.

Position: Indian River County BCC **SUPPORTS** policies that will enhance the economic wellbeing of Indian River County by treating and monitoring the health of the Lagoon; and **SUPPORTS** funding for projects, including septic to sewer conversions, that will aid in protection of the Lagoon.

2. Beach Restoration and Renourishment

Background: The Florida Department of Environmental Protection has a Beach Management Funding Assistance Program to protect and restore the state's beaches. Erosion leaves miles of beaches, public infrastructure and upland development vulnerable to the next storm event as well as impacting tourism. Currently, beach re-nourishment is funded via documentary stamps along with countless other programs. This leaves beach renourishment projects fighting every year for a very small piece of a large pie.

Indian River County, like its sister counties to the north and to the south on Florida's east coast, has a natural nearshore hardbottom resource. This resource is classified as an essential fish habitat. It provides foraging and breeding grounds for juvenile fish. Indian River County's beach management plan is specifically customized to maximize the fill while minimizing the impact to the nearshore hardbottom resource.

Position: Indian River County BCC **SUPPORTS** the creation of a newly dedicated and reoccurring statutory funding source for beach restoration and renourishment projects.

3. High-Speed Passenger Rail

Background: Higher speed passenger rail is a relatively new industry to the State of Florida and includes passenger trains which travel, or intend to travel, at more than 79 miles per hour. Unfortunately, since arriving to Florida in January of 2018, this new industry has produced the highest per-mile death rate of railways throughout the entire nation and has accounted for more than 40 fatalities involving higher-speed passenger trains in the first two years. Accordingly, it is imperative that the State of Florida implement the statutory structure to hold railroads operating passenger rail service accountable for the highest degree of safety improvements.

In 2020, Senator Debbie Mayfield and Representative Tyler Sirois introduced legislation which would have clarified the duties of FDOT with respect to higher-speed rail and which would have also implemented certain safety standards for those rail corridors utilized by higher-speed trains. In 2021, it is our hope that the Legislature and FDOT will recognize the need to be proactive and offer solutions to ensure that safety improvements for higher speed rail are required in a manner that does not burden local governments financially.

Position: Indian River County BCC **SUPPORTS** legislative and executive branch advocacy efforts to require adequate safety requirements for higher-speed passenger rail in order to protect the State of Florida's citizens, local governments, wildlife, waterways, and natural environment; and **OPPOSES** any effort to shift the cost burden of operating and maintaining passenger rail onto local governments or the State of Florida.

4. Broadband Internet Service

Background: The lack of broadband internet service in rural and underserved areas has been highlighted due to the COVID-19 pandemic forcing many individuals to either work remotely from home or attend virtual school from home. It is imperative that these rural and underserved areas contain the infrastructure and service capability necessary to provide efficient internet service to residents.

In 2020, the Florida Legislature established the Office of Broadband within the Florida Department of Economic Opportunity. The Office of Broadband was created to work with local and state government agencies, community organizations, and private businesses to increase the availability and effectiveness of broadband internet throughout the state, specifically in small and rural communities.

By working with the Legislature, the Office of Broadband, and community stakeholders, Indian River County hopes to implement programs that will aid in providing efficient internet service to the rural and underserved communities within the County.

Position: Indian River County BCC **SUPPORTS** legislation which directs the Office of Broadband to expand access to effective broadband internet service in rural and underserved areas; and **SUPPORTS** funding for programs and initiatives that promote access to effective broadband internet service in rural and underserved areas.

5. Recycling

Background: The Energy, Climate Change and Economic Security Act of 2008 (“Act”) established a statewide weight-based recycling goal of 75% by 2020. The Act directed the Florida Department of Environmental Protection (DEP) to establish a reporting protocol and directed counties to report annually. The Legislature also established interim recycling goals: 40% by 2012, 50% by 2014, 60% by 2016 and 70% by 2018. The legislation also provided that large counties (counties over 100,000 in population) not achieving the recycling goals could be directed to develop a plan to expand recycling programs.

Recently, DEP issued a 2018 report where it acknowledged that while the recycling goal is “aspirational” the current approach needs significant changes or else Florida’s recycling rate will likely fall short of the 2020 goal of 75%. This is because there have been many challenges that inhibit the State of Florida from being able to obtain and sustain the 75% recycling goal including, but not limited to, collection methods, shifts in recycling markets, and new and lighter weight packaging. It is important to note that there has actually been a decrease in Florida’s recycling rate from 56% in 2016 to 52% in 2017. In addition to the declining recycling rate, there is a significant new challenge that concerns a decline in the global demand for recycled materials. In January of 2018, China restricted its receipt of recycling materials. The referenced restrictions make it no longer financially viable to send recyclable goods to China from the United States.

Industry stake holders and scientists are currently discussing ideas for a new program that could lead to improving Florida’s recycling efforts at the state and local level. One of the top suggestions is to shift the focus from weight to energy-efficiency.

Position: Indian River County BCC **SUPPORTS** the modification of the State of Florida’s existing 2020 75% recycling goal in Section 403.7032, Florida Statutes, to reflect a statewide goal that is based on energy efficiency rather than weight; and **OPPOSES** any fines or consequences associated with contamination or not meeting the recycling goal.

6. Short Term Vacation Rentals

Background: Section 509.013, Florida Statutes, defines a transient public lodging establishment (aka short-term vacation rental) as a property that is rented more than three times a year for less than 30 days at a time. Local governments were preempted from regulating vacation rentals in 2011. This legislation included a provision that “grandfathered” any ordinance regulating vacation rentals prior to June 1, 2011. The language was amended in 2014 to allow local governments to regulate short-term rentals through life safety and building codes, as well as other codes specific to vacation rentals. However, local governments are still prohibited from regulating the duration and frequency of these rentals.

In 2015, Indian River County formed a committee which included a vacation rental owner and a real estate agent to discuss short-term vacation rentals and the impact they have on our community. Based upon the committee’s recommendations, the Board of County Commissioners approved an ordinance that requires short-term vacation rentals to register with the County, show proof of registration with the DBPR and pass a simple inspection performed by a code enforcement officer to verify that the vacation rental has working smoke alarms (carbon monoxide detector also if they have gas appliances), a charged fire extinguisher and an emergency light if the power goes out. The vacation rental is inspected to make sure it has the basic “good neighbor” information such as days of the week for trash collection and recycling, parking restrictions and owner/agent contact information. Parking is restricted to the existing garages and driveways, just as with an ordinary residence. Enforcement, including noise complaints, is carried out through the County’s code enforcement process, just like complaints from an ordinary residence.

Last year, a bill was introduced at the Florida Legislature which would have preempted all local ordinances as they relate to short-term vacation rentals. While the bill was unsuccessful, it will likely be reintroduced in the 2021 legislative session.

Position: Indian River County BCC **OPPOSES** policies that would preempt a local government’s ability to have local ordinances related to vacation rentals.

7. State Housing Initiatives Partnership (SHIP) Funds and Affordable Housing

Background: The Florida Housing Finance Corporation (FHFC) is a public corporation that is housed within the Department of Economic Opportunity. The goal of the FHFC is to increase the supply of safe, affordable housing for individuals and families with very low to moderate incomes. To do this, the FHFC uses federal and state resources to finance the development of affordable homes and assist first-time homebuyers through various programs. Some of the key programs that are administered by the FHFC include the State Housing Initiatives Partnership (SHIP) Program, which receives approximately two-thirds of the funding; the State Apartment Incentive Loan (SAIL) Program, which receives about 20 percent of the funding, and other programs, including the Predevelopment Loan Program (PLP), the Homeownership Assistance Program (HAP), the Affordable Housing Guarantee Program, and the Catalyst Training and Technical Assistance Program.

The FHFC receives funding for its affordable housing programs from documentary stamp tax revenues pursuant to the William E. Sadowski Act (“Act”). The Act calls for funds to be generated from: (a) additional revenues from a 10-cent increase in the documentary stamp tax rate imposed on real estate transfers; and (b) a re-allocation of ten cents of the existing documentary stamp tax revenues from general revenue to the affordable housing trust funds beginning in FY 1995-96. The funds are then distributed to the State Housing Trust Fund and the Local Government Housing Trust Fund.

In years past, the Florida Legislature has transferred the unused funds in the State Housing Trust Fund and the Local Government Housing Trust Fund to the General Revenue Fund pursuant to Section 215.32(2)(b) 4.a., Florida Statutes. This has significantly impacted local governments and their ability to assist their constituents by providing the above-referenced programs as they were designed.

Position: Indian River County BCC **SUPPORTS** allocating the full amount of dedicated documentary tax revenues for state and local affordable housing programs; **SUPPORTS** investing in affordable housing to create jobs in home repair, hardening homes, retrofitting and constructing affordable rental units, and lowering the energy costs to make housing more affordable; and **SUPPORTS** exempting the State Housing Trust Fund and the Local Government Housing Trust Fund from a provision authorizing the Legislature, in the General Appropriations Act, to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and General Revenue Fund, etc.

Appropriations

1. South R.O. Plant Enhanced Recovery Project

This project will optimize the recovery of the Upper Floridan Aquifer (UFA) water source from 75% to 85% through the installation of a new membrane array and optimization of dedicated R.O. trains to pumps. The plant is currently constrained regarding maximizing recovery from the UFA, and the improvements will maximize the limited source supply while complying with limited concentrate disposal resources. Once complete, the project would provide an additional 0.94 million gallons a day (MGD) of potable water from the same initial water source, resulting in an increase in storage capacity of 343 million gallons a year (MGY) in the Upper Floridan Aquifer.

The project would provide water quality improvements to the Central Indian River Lagoon by reducing TN loads by 5,494 lbs. per year and TP loads by 143 lbs. per year. Total project cost estimate is \$11,296,680.

Position: Indian River County BCC respectfully requests the Legislature **SUPPORT** an appropriation of \$1,129,668 toward the South R.O. Plant Enhanced Recovery Project.

2. Sector 3 Beach Restoration Project

The Project entails re-nourishment of the County's Sector 3 Beach & Dune Restoration Project via placement of about 670,600 cubic yards of beach-compatible sand fill and about 352,120 native dune plants over 6.6 miles of critically eroded Atlantic Ocean beach in central Indian River County. To avoid adverse impacts to nesting sea turtles, construction is expected to be completed in two phases with Phase 1 occurring during the period from November 1, 2020 and April 30, 2021 and Phase 2 taking place between November 1, 2021 and April 30, 2022. The total estimated cost of construction is \$24 million with three-year required monitoring costs of \$815,807. FEMA funding of \$9,750,111 has been approved due to damages from Hurricanes Matthew, Irma, and Dorian. The total funding request from the State is \$7,555,848 with a local contribution of the same amount (\$7,555,848). This funding request is being submitted for FDEP's Beach Management Funding Assistance Program for FY 2021/22.

Position: Indian River County BCC respectfully requests the Legislature **SUPPORT** an appropriation of \$7,555,848 toward the County's Sector 3 Beach & Dune Restoration Project as part of the FDEP Beach Management Funding Assistance Program and SUPPORTS sufficient funding for the program for FY 2021/22 and on a recurring basis from a dedicated funding source.

Legislative Concerns And The County's Position

Finance and Tax Policies

1. Millage Rates

- Indian River County BCC **OPPOSES** policies that will negatively change the formula for calculating a local government's maximum millage rate; and **OPPOSES** policies that prohibit local governments from redeeming earned rolled back credits.

2. Communications Service Tax

- Indian River County BCC **SUPPORTS** policies that (1) modernize the Communication Service Tax in a manner that is revenue neutral; (2) simplify administration and collection of the tax; (3) provide for a broad and equitable tax base; provide for enhanced stability and reliability; and (4) provide the opportunity for market-based application.

3. Shared Revenue Sources

- Indian River County BCC **SUPPORTS** policies that consider impacts to the state revenues shared with counties for the provision of local services; and **OPPOSES** permanent modifications to state shared revenue sources or related funding formulas that would significantly impact the counties' ability to continue to fund local services.

4. Tax Reform

- Indian River County BCC **SUPPORTS** tax reform measures that simplify administration, enhance effectiveness to meet current and future public service demands, and provide an economic boost to Florida's taxpayers while at the same time consider and minimize the collective and cumulative negative impacts on local revenues.

5. Local Preemption on Business Regulation and Taxes

- Indian River County BCC **OPPOSES** policies that would remove the authority for counties and municipalities to increase business tax rates or to impose additional business taxes in the future.

6. Local Government Fiscal Responsibility

- Indian River County BCC **OPPOSES** policies that would negatively impact the collection of ad valorem taxes and other revenue sources.

7. Constitutional Officers

- Indian River County BCC **SUPPORTS** policies that provide adequate state funding for constitutionally prescribed county officers that are required to perform duties on behalf of the State of Florida.

8. Tourist Development Tax

- Indian River County BCC **OPPOSES** policies that mandate tourist development funds be diverted away from local communities, or impair the County's use of the funds for local tourist development.

9. Fuel Taxes

- Indian River County BCC **SUPPORTS** indexing local option fuel taxes to annual adjustments of the Consumer Price Index.

10. County Funding of Court –Related Costs

- Indian River County BCC **SUPPORTS** policies to remove the automatic 1.5% increase in funding for Court related functions; and **SUPPORTS** policies to increase the service fee charged for recording documents and instruments pursuant to s. 28.24(12)(e), F.S., from \$4.00 to \$8.00, so that \$6.00 of the fee distributed to county commissions to help fund court-related technology and technology needs as mandated by s. 29.008(1)(f)(2), F.S.

11. Funding Judicial Responsibilities

- Indian River County BCC **OPPOSES** the use of local revenue sources to fund the State of Florida’s judicial responsibilities.

Administration Policies

12. Local Government Accountability and Transparency

- Indian River County BCC **SUPPORTS** policies that promote the provision of accurate and accessible administrative and fiscal public information in a manner that is fiscally responsible, publicly comprehensible, technologically efficient, and that does not constrain the effective administration of local services.

13. Local Government Administration

- Indian River County BCC **SUPPORTS** policies related to retirement, workers’ compensation and other administrative systems based on sound and accurate data analyzed with consideration for state and local fiscal impact, fairness and accessibility for state and local employees, as well as, predictability and stability relative to market forces for the long-term effective management of state and local financial plans.

14. State of Emergency

- Indian River County BCC **OPPOSES** policies that would inhibit the County’s ability to provide services to the community immediately following a natural disaster including, but not limited to, employment policies.

Health, Human Services and Public Safety Policies

15. Medicaid Services

- Indian River County BCC **SUPPORTS** policies to establish a 3% cap on growth in the individual county Medicaid costs under s. 409.915, F.S., **SUPPORTS** the provision determining the rate of overall growth of the County Medicaid cost share be maintained at 50% and not be changed to 100% of the rate of growth in the State Medicaid expenditures; and **OPPOSES** efforts to further shift state Medicaid costs to counties.

16. Coverage For Emergency Services

- Indian River County BCC **OPPOSES** policies that would negatively impact the Indian River County Emergency Services District’s ability to be reimbursed for providing advance life services and basic life services to patients who have out-of-network providers.

17. Medical Examiners

- Indian River County BCC **OPPOSES** policies that prohibit medical examiners from charging a fee for examination and autopsy services that a medical examiner is required to perform by law for cremation services.

18. First Responders

- Indian River County BCC **SUPPORTS** the use of Critical Incident Stress Management Plans to assist first responders with psychological traumas including post-traumatic stress syndrome.

19. Emergency Shelters– Reimbursements

- Indian River County BCC **SUPPORTS** policy changes that allow school boards, municipalities, or other emergency sheltering entities to directly seek reimbursement from FEMA for emergency sheltering.

20. Housing Assistance

- Indian River County BCC **OPPOSES** policies that require the establishment of a local government risk mitigation program.

21. Certificates of Public Convenience and Necessity (COPCN)

- Indian River County BCC **OPPOSES** policies relating to COPCNs which would negatively impact the County’s Emergency Services District’s ability to provide services.

22. School Resource Officers

- Indian River County BCC **SUPPORTS** the creation of a new dedicated and recurring statutory funding source to fully fund School Resources Officers (SRO) positions in all public schools.

Environmental Resources and Water Policies

23. Fracking

- Indian River County BCC **OPPOSES** state preemption of fracking activities; **OPPOSES** policies that create a public records exemption for proprietary information provided by drilling companies to the Florida Department of Environmental Protection (“FDEP”) through FDEP’s online chemical disclosure registry; and **SUPPORTS** the ability of local governments to adopt local moratoriums on all new well stimulation activities, including hydraulic fracturing and acidization.

24. Septic to Sewer

- Indian River County BCC **SUPPORTS** an Indian River Lagoon and Caloosahatchee River 50/50 grant matching program in support of septic to sewer conversions to include all of the communities along the Indian River Lagoon.

25. Water Infrastructure Grant

- Indian River County BCC **SUPPORTS** the Department of Environmental Protection’s budget request for \$50 Million from General Revenue for projects that will address septic system and stormwater pollution in the Indian River Lagoon, and ensure that our coastal communities have a resilient water supply.

26. Derelict Vessels

- Indian River County BCC **SUPPORTS** policies that would streamline the process to remove derelict vessels from the waterways of the State of Florida; and **SUPPORTS** revised statutory authority and continued state funding for the enforcement and removal of derelict vessels, with emphasis on chronic offenders.

27. Green Space Funds

- Indian River County **SUPPORTS** policies that add conservation lands to the list of greenspace areas eligible for funding related to management and the removal of exotic and nuisance native vegetation.

Growth Management and Infrastructure Policies

28. Growth Management

- Indian River County BCC **OPPOSES** policies that would require local governments to incorporate additional goals, objectives, policies or elements into its comprehensive plan.

29. Florida Building Commission

- Indian River County BCC **SUPPORTS** policies that promote a fair and balanced Florida Building Commission which includes members from all of the industries regulated by the Florida Building Code, and **OPPOSES** policies that seek to limit the representatives on the Florida Building Commission.

30. Impact Fees

- Indian River County BCC **OPPOSES** policies that would prohibit the collection of impact fees no earlier than the issuance of the certificate of occupancy.

31. Municipal Service Areas

- Indian River County BCC **SUPPORTS** policies that provide where a county has, by ordinance, established one or more utility service areas in the unincorporated area and where the county has the current ability to provide service, a municipality may not provide utility services within such county service area(s) without consent of the county.

32. Historic Dodgertown

- Indian River County BCC **OPPOSES** policies that would (1) inhibit the County's ownership rights or ability to use the Historic Dodgertown or (2) negatively impact the County's bonds associated with the Historic Dodgertown.