

**INDIAN RIVER COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**



**2018 State Legislative Program**

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## INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS



Commissioner Susan Adams  
District 1  
(772) 226-1442  
sadams@ircgov.com



Chairman Joseph E. Flescher  
District 2  
(772) 226-1919  
jflescher@ircgov.com



Commissioner Tim Zorc  
District 3  
(772) 226-1919  
tzorc@ircgov.com



Vice-Chairman Peter D. O'Bryan  
District 4  
(772) 226-1442  
pobryan@ircgov.com



Commissioner Bob Solari  
District 5  
(772) 226-1440  
bsolari@ircgov.com

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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.

## 2. Sale of the City of Vero Beach Electric Utilities to

### Florida Power and Light

**Background:** The City of Vero Beach (“City”) is a member of the Florida Municipal Power Agency (“FMPA”). The City is working closely with the FMPA to complete the full sale of the City’s electric utility to Florida Power and Light. Indian River County supports policies that would assist in the full sale of the City’s electric utility.

**Position** In the event the FMPA hinders the full sale of the City of Vero Beach electric utility to Florida Power and Light, Indian River County BCC **SUPPORTS** policies to require greater oversight, transparency, and accountability by the Florida Municipal Power Agency (FMPA) to its member municipalities and ratepayers.

### 3. High-Speed Passenger Rail

**Background:** For at least a decade, high-speed passenger rail has been discussed and proposed within the State of Florida. While All Aboard Florida is the most recent passenger rail service being proposed, it is not the first and it certainly will not be the last. 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. It is also important to protect the public coffers from being exploited by private passenger rail entities that seek to piggyback off of pre-existing contracts with established railroad carriers.

**Position:** Indian River County BCC **OPPOSES** any state, federal or local funding for private passenger rail projects proposing to traverse through its jurisdiction including, but not limited to, All Aboard Florida (aka Brightline); **SUPPORTS** legislative and executive branch advocacy efforts to regulate 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. Foreign Trade Zone

**Background:** For a number of years Indian River County has been interested in being included in a foreign trade zone. The benefits include (a) a reduction of duties for manufacturers if they use foreign components in their finished products, (b) a duty exemption on imported goods that are later re-exported, (c) a delayed payment of duties for goods until they enter the U.S. Market, (d) an elimination of duties on waste, scrap and rejected or defective parts, and (e) a possible reduction in merchandise processing fees (U.S. Customs Processing fees).

**Position:** Indian River County BCC **SUPPORTS** the expansion of either Foreign Trade Zone 218 located in St. Lucie County or Foreign Trade Zone 136 located in Brevard County to include Indian River County.



## 5. 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 renourishment 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; and **OPPOSES** policies that would change or modify the criteria used by the Department of Environmental Protection to rank eligible beach renourishment projects that would negatively impact communities interested in protecting nearshore hardbottom resources.

## 6. Texting While Driving

**Background:** As of January 2017, texting while driving violations are enforced as primary offenses in 41 states. Florida is one of four states where texting while driving is a secondary offense when an operator of a motor vehicle has been detained for a suspected violation of another law.

Specifically, Florida law bans driving while sending or reading data on a wireless cell phone for the purpose of non-voice interpersonal communication. The ban does not apply to a stationary motor vehicle or to a motor vehicle operator who is using it for official duties as an operator of an authorized emergency vehicle, law enforcement or fire service professional, or an emergency medical services professional. It also does not apply to those who are using the wireless communication device for navigation purposes.

**Position:** Indian River County BCC **SUPPORTS** policies that would make texting while driving a primary offense.

## 7. 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, 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 2018 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.

## Appropriations

### 1. West Wabasso Septic to Sewer Phase II

Indian River County has more than 30,000 septic tanks systems. According to the United States Department of Agriculture's Soil Conservation Service, most of Indian River County's sandy soil is not conducive for the use of septic tank systems. This limitation, combined with the high water table, creates a high potential for groundwater contamination. This is especially true in areas where development preceded septic tank regulation.

This project will construct a gravity sewer system to a financially disadvantaged community to convert 124 residential parcels and 10 commercial parcels from antiquated septic tank systems to centralized sewer. This project will yield a positive benefit not only to the West Wabasso community but also to the Indian River Lagoon ("Lagoon"). The County estimates that this project will reduce an estimated 1,273 pounds of Total Nitrogen and 404 pounds of Total Phosphorus from being leached into the Lagoon.

Indian River County BCC respectfully requests you **SUPPORT** an appropriation of \$1 million in matching funds to construct the West Wabasso Septic to Sewer Phase II project.

### 2. Generators for Lift Stations During a Power Outage

During a storm event like a hurricane, it is imperative that facilities such as assisted living facilities, nursing homes, senior communities, and emergency shelters have the necessary onsite and infrastructure support to have adequate water and sewage disposal. With respect to sewer lift stations, especially if they are fed by County water and that water supply is still on, a working station (or an emergency response to the station) is critical to the health and well-being of the occupants before, during, and after a storm event.

The County has identified 25 locations within its jurisdiction that would benefit from a generator during a hurricane. The total cost of purchasing and installing the generators would be \$833,280.

Indian River County BCC respectfully requests you **SUPPORT** an appropriation of \$416,640 in matching funds to purchase and install generators to provide power to critical emergency facilities like emergency shelters, nursing homes, senior communities, and assisted living facilities.

### 3. Beach Renourishment– Sector 5

Indian River County BCC respectfully requests that you **SUPPORT** an appropriation of \$1,947,637.50 in matching funds for a beach restoration project to Indian River County's Sector 5 beach. Sector 5 is within the City of Vero Beach and the project area is approximately 3 miles. Specifically, Indian River County has requested:

- \$81,637.50 in matching funds for a feasibility design,
- \$233,250 in matching funds for the design of the beach project, and
- \$1,632,750 in matching funds for the construction of the beach project.

## 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; provide for a broad and equitable tax base; provide for enhanced stability and reliability; and (3) 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 Tax Referenda

- Indian River County BCC **OPPOSES** policies that require a 60% threshold for passage of a local tax referenda during a general election.

#### 6. 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.

#### 7. Local Government Fiscal Responsibility

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

#### 8. 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.

#### 9. 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.

#### 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, publically 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., 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. Firefighters

- Indian River County BCC **OPPOSES** policies that do not use competent evidence when determining whether a disability or death was caused by a firefighter’s employment.

#### 19. 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.

#### 20. Zika

- Indian River County BCC **SUPPORTS** policies that entitle each county, irrespective of population, to a pro rata share of waste tire grants from the fee imposed on motor vehicle tires for use in mosquito control programs.

#### 21. State Housing Initiative Partnership Program (SHIP)

- Indian River County BCC **SUPPORTS** allocating the full amount of dedicated documentary tax revenues for state and local affordable housing programs.

#### 22. Housing Assistance

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

#### 23. 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.

### ***Environmental Resources and Water Policies***

#### 24. Recycling

- Indian River County BCC **SUPPORTS** policies that provide appropriate resources and incentives to local governments to achieve statewide recycling goals, with credit afforded for all recycled materials including municipal biomass and other waste-to-energy processes.
- Indian River County BCC **OPPOSES** policies which would inhibit a local government's ability to meet the statutory requirement under Section 403.7032, Florida Statutes, to recycle 75% of its solid waste by the year 2020.

#### 25. 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** a moratorium on all new well stimulation activities, including hydraulic fracturing and acidization, until an independent and comprehensive Florida-specific study has been completed and peer-reviewed.

#### 26. 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.

#### 27. 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.

#### 28. 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.

## ***Growth Management and Infrastructure Policies***

### 30. 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.

### 31. 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.

### 32. 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.

### 33. 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.