

INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS



2020 State Legislative Program

INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS



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Table of Contents

Guiding Principles	4
Priorities	
Indian River Lagoon	5
High Speed Passenger Rail	6
Biosolids	7
Recycling	8
Beach Restoration and Nourishment	9
Designating A.B. Michael Bridge	10
County Boundary Change Between Indian River & St. Lucie Counties	11
Short-Term Vacation Rentals	12
State Housing Initiatives Partnership (SHIP) Funds and Affordable Housing	13
Appropriations	14
Concerns	
<u>Finance and Tax Policies</u>	15
Millage Rates	15
Communications Service Tax	15
Shared Revenue Sources	15
Tax Reform	15
Local Preemption on Business Regulations and Taxes	15
Local Government Fiscal Responsibility	15
Constitutional Officers	15
Economic Development	15
Tourist Development Tax	15
Fuel Taxes	15
County Funding of Court-Related Costs	16
Funding Judicial Responsibilities	16
<u>Administration Policies</u>	16
Local Government Accountability and Transparency	16
Local Government Administration	16
State of Emergency	16
<u>Health, Human Services and Public Safety Policies</u>	16
Medicaid Services	16
Coverage for Emergency Services	16
Medical Examiners	16
Firefighters	16
First Responders	17
Emergency Shelters– Reimbursements	17
Housing Assistance	17
Certificates of Public Convenience and Necessity (COPCN)	17
School Resource Officers	17
<u>Environmental Resources and Water Policies</u>	17
Fracking	17
Septic to Sewer	17
Water Infrastructure Grant	17
Derelict Vessels	17
Green Space Funding	17
<u>Growth Management and Infrastructure Policies</u>	18
Growth Management	18
Florida Building Commission	18
Impact Fees	18
Municipal Service Areas	18
Historic Dodgertown	18

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** the Governor’s Legislative Budget Request for \$150 million granted to septic to sewer conversion projects near Florida’s estuaries.

2. 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. 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.

Senator Debbie Mayfield and Representative Tyler Sirois have introduced legislation which would clarify the duties of FDOT with respect to higher-speed rail and which would also implement certain safety standards for those rail corridors utilized by higher-speed trains. It is our hope that the Legislature and FDOT will recognize the need to be proactive and offer efficient and effective regulation of an evolving industry poised for future expansion throughout the state.

Position: Indian River County BCC **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.

3. Biosolids

Background: One of the by-products or residuals of the wastewater treatment process is called biosolids or the wet sludge that is left behind after initial processing, which is then collected for further treatment and processing. Today, Florida's central sewer wastewater treatment facilities produce approximately 340,000 dry tons of biosolids. Approximately 100,000 dry tons of biosolids qualify as Class B biosolids, which are treated sewage sludge meeting U.S. Environmental Protection Agency (EPA) guidelines for land application as fertilizer with restrictions, and are allowed to have detectable levels of pathogens. There is concern statewide that excess nutrients from land application of human waste biosolids reach surface waters as a result of rainfall runoff and continue to increase the occurrence of chronic harmful algal blooms.

Land application of Class B biosolids has been restricted in various areas throughout the State of Florida. Most recently, in 2013, land application of Class B biosolids was banned in the watersheds containing Lake Okechobee and St. Lucie and Caloosahatchee Rivers.

At the 2016 UF Water Symposium, St. Johns River Water Management District's staff reported that there are significant increases in phosphorus and incidences of harmful, potentially toxic algal outbreaks in Blue Cypress Lake, one Florida's most pristine lakes, a Class I waterbody. In 2018, cyanobacteria (commonly referred to as blue-green algae) was confirmed in Blue Cypress Lake, which is the headwaters of the St. Johns River and is located the Upper Basin watershed. Cyanobacteria was also reported in the Lower Basin in Duval County, and in the Okeechobee watershed which in turn has impacted the St. Lucie watershed and the Caloosahatchee watershed.

Position: Indian River County BCC **SUPPORTS** policies that restrict or ban the land application of Class B biosolids within the following watersheds that impact the St. Johns River: the Upper Basin, the Middle Basin, and the Lower Basin; and **SUPPORTS** establishing a pilot project program for funding new state of the art wastewater technologies to improve recover and afford more efficient use of human wastewater biosolids.

4. 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.

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.

6. Designating the A.B. Michael Bridge

Background: A.B. Michael moved to the Indian River region in 1886 and was a strong proponent of Indian River Citrus, having started his own citrus grove on Orchid Isle in 1902. He later became manager and president of Deerfield Groves in 1917; helped manage American Fruit Growers from 1919 to 1946; helped form the Indian River Citrus League in the 1930's; and served on the Florida Citrus Commission from 1945 to 1949. Due to his achievements and dedication to the industry, Florida Citrus Mutual refers to A.B. Michael as the "Dean of the Florida Citrus Industry".

A.B. Michael was also very active in other aspects of the Indian River community. He assisted in the construction of the Wabasso Bridge Causeway and the Community of Orchid School House. Additionally, A.B. Michael was a strong supporter of Little League baseball in Indian River County and Michael Field in Vero Beach is named in his honor.

Section 334.071, Florida Statutes, authorizes the Legislature to designate a transportation facility for honorary or memorial purposes and to direct the Department of Transportation to place markers reflecting such designation.

In 1964, the Indian River BCC passed a resolution requesting the Legislature enact legislation designating the bridge as the "A.B. Michael Bridge". However, according to the Florida Department of Transportation list of current road designations, SR 510 Bridge #53, the Wabasso Bridge Causeway, is designated as the "A.B. *Mitchell* Bridge". It is unclear based on the information provided by the Florida Department of Transportation when the Legislature officially approved this designation.

Accordingly, in 2019, the Indian River BCC passed another resolution requesting the SR 510 Bridge be renamed the "A.B. Michael Bridge".

Position: Indian River County BCC **SUPPORTS** legislation which directs the Florida Department of Transportation to designate the SR 510 Bridge #53 as the "A.B. Michael Bridge" and which directs markers to be placed on the bridge reflecting such designation.

7. County Boundary Change Between Indian River & St. Lucie Counties

Background: Oskar and Gretchen Szentirmai own the property located at 2498 S. Highway A1A, which is located on the east side of Highway A1A (the “Szentirmai property”). Part of the Szentirmai property is in Indian River county and part of the Szentirmai property is in St. Lucie County. In 1991, St. Lucie County and Indian River County entered into an agreement regarding construction of the home on the St. Lucie County and Indian River County line (the “Agreement”), which addressed issues pertaining to the development of the Szentirmai property, including permitting, impact fees, and concurrency. The Agreement, however, did not address issues relating to the provision of services to the Szentirmai property. Accordingly, a boundary change bringing the Szentirmai property wholly within Indian River County would assist in eliminating any confusion about the provision of services to the Szentirmai property.

County staff has reached out to the School District of Indian River County, the Indian River County Mosquito Control District, and the Indian River County Hospital District. All of the aforementioned entities have indicated support for the proposed boundary change.

In order to make a boundary change equitable, Indian River County and St. Lucie County examined having the properties located on the west side of Highway A1A, located between Highway A1A and the Indian river Lagoon, switched to St. Lucie County. That particular property is owned by SBM Associates, LLC, which has indicated support of the proposed boundary change.

At the September 17th meeting of the Indian River BCC, the Board voted to support the statutory boundary change, authorized staff to draft a resolution in support of the boundary change, and further authorized staff to take any other actions necessary to assist in the boundary change process.

Any county line boundary change can only be effective upon the enactment of a general law by the Florida Legislature.

Position: Indian River County BCC **SUPPORTS** legislation which amends the county boundary line between Indian River County and St. Lucie County in order to bring the Szentirmai property and the property owned by SBM Associated, LLC wholly within each respective county. reflecting such designation.

8. 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 2020 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.

9. 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. North Sebastian Septic to Sewer Project

The project will construct a gravity sewer system to service an area that abuts the Sebastian River, adjacent to the Indian River Lagoon. The area has a mixed land use designation of primarily residential and one commercial property. The project cost for the sewer portion is \$4,353,501. The project has been endorsed by the Indian River County Clean Water Coalition, the Friends of the St. Sebastian River and the Indian River County Florida Department of Health. Due to the small lot sizes and close proximity to septic tanks, this area is also set to be converted from domestic self-water supply (private well) to centralized water.

The project area currently encompasses a total of 124 parcels. Out of these parcels, approximately 92% are developed. Therefore, 114 parcels will connect to central sewer services and will provide a positive benefit to the Lagoon by reducing an estimated 3,534 pounds of Total Nitrogen per year and 570 pounds of Total Phosphorous per year from entering the environment.

Position: Indian River County BCC respectfully requests you **SUPPORT** an appropriation of \$1,111,231 toward the North Sebastian Septic to Sewer 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; (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, 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., **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. 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. 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.

21. Housing Assistance

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

22. 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.

23. 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

24. 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.

25. 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.

26. 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.

27. 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.

28. 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

29. 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.

30. 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.

31. 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.

32. 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.

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.