



2017

# STATE LEGISLATIVE PROGRAM



## TABLE OF CONTENTS

Board of County Commissioners.....	3
Legislative Priorities.....	4-9
Annex.....	10-13
Legislative Calendar.....	14
BCC Message .....	15

**PASCO COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**



TED SCHRADER, DISTRICT 1



MIKE MOORE, DISTRICT 2  
VICE-CHAIRMAN



KATHRYN STARKEY, DISTRICT 3  
CHAIRMAN



MIKE WELLS, DISTRICT 4



JACK MARIANO, DISTRICT 5

## COUNTY ATTORNEY

**Amend Section 695.11, Florida Statutes, to make liens authorized by the State and counties superior to prior recorded instruments.** This is in response to (1) the Florida Supreme Court ruling in *City of Palm Bay v. Wells Fargo*, which found a municipal enforcement board lien was inferior to a private, prior recorded lien, and (2) the need to have superiority for liens to recover out-of-pocket costs expended by the State and counties for such things as a public defender, street lighting, demolition, lot clearing, etc. Currently, such liens are inferior to private liens that are recorded first. (*This is also a Code Compliance issue.*)

**Give authority for local governments to post statutorily required legal advertisements on a publicly-accessible website.** The estimated cost to Pasco County taxpayers is \$250,000.00 per year. This does not include the costs incurred by developers for advertising their projects.

**Amend Section 119.071(4)(d), Florida Statutes to create a public records exemption for the home addresses, telephone numbers, photographs and day care information for county attorneys and their children.** The attorneys that prosecute code enforcement and other actions against property owners are just as likely to be subject to harassing or retribution related public records inquiries from disgruntled defendants as code enforcement officers, state attorneys/prosecutors, and judges, whose information is already exempted in Section 119.071(4)(d).

**Give authority for local governments to spend public funds on private roads under specific conditions,** such as when emergency vehicles are unable to traverse the road for public safety.

**Encourage joint use of recreational facilities by local governments and school districts,** create liability limitations and background screening exemptions for local government-school district joint use facilities. *SB 396 2014* (<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=51424>)

## DEVELOPMENT SERVICES

### CODE COMPLIANCE

**Amend Sections 34.191 and 34.045, Florida Statutes, to provide that fines received by the clerk from county court enforcement actions (related to violations of county ordinances) shall be paid monthly to the county.** The clerk would retain 10% of the total amount of fines paid, to offset the Clerk's costs. The clerk currently returns to municipalities 90% of fines collected for municipal ordinance violations.

### PLANNING & DEVELOPMENT

**Support New Funding \$100,000 and Revolving Loan \$5,000,000** to develop a Pasco Prosperity Program for stimulating redevelopment in targeted areas throughout Pasco County. It would incorporate changes to the zoning ordinance and establish redevelopment funds for a revolving loan fund. (See Annex—Item 1)

**Transportation Facility Designation.** U.S. 19 through Pasco County is designated as "Gulf Coast Highway." (*West Pasco Chamber of Commerce Contest.*)

**Amend Section 177.031 (18), Florida Statutes,** in light of the inherent differences between residential and non-residential projects, modify the definition of subdivision in Florida Statutes section

177.031(18) to give local governments the discretion to not require the subdivision of land for non-residential uses and to adopt alternative local regulations, while maintaining the authority of local governments to continue to require the subdivision of land for non-residential uses if desired.

**METROPOLITAN PLANNING ORGANIZATION**

**S.R. 56 at I-75/Interchange (Diverging Diamond).** The MPO has formally requested that the diverging diamond interchange be advanced at their September 8th MPO meeting. ENSURE the Department of Transportation accelerates the starting date for the project and programs the funds into the District 7 work program.

**I-75 at Overpass Road / New Interchange - \$15,000,000**

**U.S. 98 at U.S. 301—Clinton Avenue/Intersection Realignment PD&E—\$1,000,000**

**PUBLIC WORKS**

**STORMWATER MANAGEMENT**

PROJECT NAME	PROJECT COST	PURPOSE
Magnolia Valley	\$1,000,000	Design of a new Stormwater Facility.
Magnolia Valley	\$1,800,000	Purchase of golf course for construction of a regional flood control pond system
Timber Oaks	\$2,400,000	Purchase of golf course for construction of a regional flood control pond system
Holiday Hills/Gainsboro	\$1,100,000	Neighborhood Flood Abatement Project
Ironbark Drive	\$2,800,000	Neighborhood Flood Abatement Project
Forest Hills	\$750,000	Culvert Replacement
Forest Hills West	\$2,000,000	Neighborhood Flood Abatement Project
Jarvis Street	\$2,132,000	Neighborhood Flood Abatement Project
Riverside Village	\$8,005,500	Neighborhood Flood Abatement Project
Pasco County Culvert Reconditioning	\$2,500,000	Reconditioning of culverts in various locations throughout the County
Pasco County Drainage Debris Removal	\$2,500,000	Removal of debris in various locations throughout the County
Sea Pines and Gulf Way	\$3,905,742	Neighborhood Flood Abatement Project

## ROAD & BRIDGE

**Repeal or Amend Section 336.41(4)(b), Florida Statutes.** Current law caps in-house construction and reconstruction of road projects to a total cumulative annual value not to exceed 5 percent of its 80-percent portion of the constitutional gas tax or \$400,000. **AMEND \$1,000,000 per project.**

**Note:** Public Works is capable of saving the tax payers 15% or more on paving if they do the work as opposed to a contractor. Additionally, this savings is against the most cost effective contractor. Currently there are two paving contractors and savings against the number two contractor increase to over 20%.

## INTERNAL SERVICES

### MANAGEMENT & BUDGET

**Amend Section 129.01(2)(b), Florida Statutes.** Current law requires Counties to budget revenue at "95 percent of all receipts reasonably anticipated from all sources, including taxes to be levied." This requirement makes sense for Ad Valorem and Assessments which provide the taxpayer a discount for early payment. For other types of revenue, however, this requirement unnecessarily forces Counties to reduce service levels to meet this artificial ceiling. Revise as "budget revenue at 95 percent of all receipts reasonably anticipated from all sources, including ad valorem tax receipts and MSTU/MSBU assessments, all other receipts can be budgeted at 100%."

**Eliminate the "rolled-back rate" Section 200.065(1), Florida Statutes. Calculation of the rolled-back rate produces an undue administrative burden on the County.** In addition, the requirement to advertise a "Notice of Tax Increase" in cases in which the adopted millage rate is higher than the rolled-back rate misleads citizens into believing the tax rate has increased when in fact it has not changed at all.

**Amend Section 200.065(5)(a) 1., and 2., Florida Statutes.** Either increase the rate which requires a supermajority from 110% to 125% and/or reduce the vote majority needed for passage:

1. A rate of not more than ~~110~~125 percent of the rolled-back rate based on the previous year's maximum millage rate, adjusted for change in per capita Florida personal income, may be adopted if approved by a ~~two-thirds majority~~ vote of the membership of the governing body of the county, municipality, or independent district; or
2. A rate in excess of ~~110~~125 percent may be adopted if approved by a ~~unanimous~~two thirds vote of the membership of the governing body of the county, municipality, or independent district or by a three-fourths vote of the membership of the governing body if the governing body has nine or more members, or if the rate is approved by a referendum.

**Eliminate the "Aggregate Millage Rate" calculation in Section 200.065(2)(g)(3)(j), Florida Statutes.** NOTICE OF PROPOSED TAX INCREASE. "The amounts to be published as percentages of increase over the rolled-back rate pursuant to this subsection shall be based on ~~aggregate~~-millage rates and shall exclude voted millage levies unless expressly provided otherwise in this subsection." The aggregate rate is a weighted average and is confusing to elected officials and the citizens.

**Eliminate the rate of inflation requirement thereby allowing the taxable assessed value of homesteaded properties to increase by 3% or the actual change in assessed values whichever is less.**

The increase in the taxable assessed value of a homesteaded property is limited to 3% or the rate of inflation, whichever is less. Since 1995, the 3% threshold has been reached only 6 times. In fact, while the average increase in homesteaded property has been capped at 1.2% per year since 2013, the actual increase in taxable assessed values has averaged 5% per year over the same time frame. This difference significantly limits the County's ability to capture increases in property values which has a direct correlation to demand for service.

**Allow the Second Local Option Fuel Tax under Section 336.025(1)(b)(3), Florida Statutes** to pay for Operation & Maintenance since we have to use Tax Increment to cover the difference to maintain existing roads and new roads after they are constructed with Gas Tax, Mobility Fees, etc.

**ESTABLISH NEW FUNDING opportunities, either through grant funds, low interest loans, or millage rates** separate from the 10 mill cap, for operations and maintenance of existing facilities (buildings, parks, etc.) and construction of new or replacement facilities.

## PUBLIC SERVICES

### ANIMAL SERVICES

**Creation of a Statewide Animal Abuse Registry** – See Attached Information. (*Hillsborough County also supports issue. SB 618 2012* (<https://www.flsenate.gov/Session/Bill/2012/0618>)- See Annex—Item 25

### COMMUNITY DEVELOPMENT

**SUPPORT NEW FUNDING \$1,000,000** for a Navigation Center in Pasco County (Provides low barrier pathways to permanent housing for homeless citizens.) - See Annex—Item 3.

### PARKS, RECREATION AND NATURAL RESOURCES

**AMEND SECTION 375.05 (3), Florida Statutes, Florida Department of Environmental Protection – Florida Recreation Development Assistance Program (FRDAP):**

- (3) A local government may submit up to two grant applications during each application period announced by the department. However, a local government may not have more than three active projects expending grant funds during any state fiscal year. The maximum project grant for each project application may not exceed ~~\$200,000~~ 500,000 in state funds.

**Note:** This would allow local governments with larger projects to apply. The funds are used to develop active recreation facilities.

**AMEND SECTION 259.105 (3) (b) and (c), Florida Statutes:**

- (b) ~~Thirty-five~~ Twenty-one percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's wa-

ter resources and natural groundwater recharge. At a minimum, 3 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access. Beginning in the 2017-2018 fiscal year and continuing through the 2026-2027 fiscal year, at least \$5 million of the funds allocated pursuant to this paragraph shall be spent on land acquisition within the Florida Keys Area of Critical State Concern as authorized pursuant to s. 259.045.

**Note:** Decrease the percentage of funds to the Department of Environmental Protection - Division of State Lands until they spend out currently appropriated funds for land acquisition.

(c) ~~Twenty-one~~Thirty-five percent to the Department of Environmental Protection for use by the Florida Communities Trust for the purposes of part III of chapter 380, as described and limited by this subsection, and grants to local governments or nonprofit environmental organizations that are tax-exempt under s. 501(c)(3) of the United States Internal Revenue Code for facility development, and the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. From funds available to the trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. The Legislature intends that the Florida Communities Trust emphasize funding projects in low-income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state, including boat ramps and associated parking and other support facilities. At least 30 percent of the total allocation provided to the trust shall be used in Standard Metropolitan Statistical Areas, but one-half of that amount shall be used in localities in which the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. Local governments may use federal grants or loans, private donations, or environmental mitigation funds for any part or all of any local match required for acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the trust shall be selected in a competitive process measured against criteria adopted in rule by the trust.

**Note:** Increase the percentage of funds to the Department of Environmental Protection for the grants to local governments, and amend the grants to include facility development in addition to land acquisition.

## UTILITY SERVICES

**SUPPORT CONTINUED FUNDING for nutrient reduction projects.** Florida's Springs and Surface Waters are being contaminated by increases in Total Nitrogen Loading. Working with the Florida Department of Environmental Protection, Utilities around the State are being identified as primary contributors. Upgrading existing wastewater facilities and building additional capacity to allow for the removal of septic tanks are expensive. Local governments request State funding to assist with developing these nutrient reductions projects.

**ESTABLISH A NEW FUNDING MECHANISM** available to local governments to purchase Privately Owned Utilities.

**AMEND Section 287.055 (2) (g), Florida Statutes.** A “continuing contract” is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed ~~\$2 million~~ \$5 million, for study activity if the fee for professional services for each individual study under the contract does not exceed ~~\$200,000~~ \$500,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

## SOLID WASTE

**Allow local governments to use the power they produce at their WTE plants to offset electricity they purchase via the billing mechanism known as net metering. Local government net metering will give a local government credit for electricity it generates to use at its other facilities such as waste water treatment plant, airports, seaports or offices. This simple change will bring significant savings to tax payers while having virtually no effect on utilities. Florida law currently provides for net metering on-site, so only a simple change would be required to accommodate WTE facilities.**

**AMEND Section 366.91 (2) (b) (c), Florida Statutes:**

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

(b) “Customer-owned renewable generation” means an electric generating system located on a customer’s premises that ~~is primarily intended to offset~~ offsets part or all of the customer’s electricity requirements with renewable energy.

(c) “Net metering” means a metering and billing methodology: (i) whereby customer-owned renewable generation is allowed to offset the customer’s electricity consumption on site; or, (ii) when the customer is a Florida local governmental entity that owns a waste-to-energy facility, the customer is allowed at its option to use any or all of the electricity generated to offset all or part of the customer’s electricity consumption, on-site or at off-site metering locations within the same service area of an electric utility.

## ANNEX

### 1. PASCO PROSPERITY PROGRAM

#### REDEVELOPMENT PROGRAM DEVELOPMENT

We seek \$100,000 funding to hire consulting services to assist Pasco County in creating a targeted response to several areas designated for redevelopment and economic recovery. These areas are characterized by rapidly deteriorating infrastructure, declining property values, aging population and increasing public service needs. The project will:

Identify specific characteristics of these areas and locate them

- Evaluate land use policy and land development code changes that could assist in stimulating re-investment
- Explore economic development and redevelopment program incentives and make recommendations for program implementation

#### REDEVELOPMENT REVOLVING LOAN FUND

This one-time infusion of seed capital (\$5,000,000) will establish a low interest loan fund that can be used for County Board directed investment in order to assist in the recovery of physical targeted areas identified as needing assisting beyond what is available in the market place.

Possible project types could include:

- demolition of commercial blighted properties,
- contributions to economic development financial packages that affect physical improvement to sites, and
- other public contributions that effectively leverage private sector investment in targeted areas.
- loans will require repayment in less than 10 years to insure ability to recover and reuse funds for continuing program activities.

### 2. CREATION OF A STATEWIDE ANIMAL ABUSE REGISTRY

**The Pasco County Board of County Commissioners has expressed interest in a statewide animal abuser registry.** The intent of such registry is to establish an on-line registry to identify those individuals who have been convicted of animal abuse so as to prevent their purchase, ownership, and contact with animals for a designated number of years. **The need for a registry is to prevent repeated animal abuse and to deter the those abusive behaviors that often lead to more serious crimes.** In 2014, the FBI realized the need for animal abuse data collection as a crime statistic was important due to its strong correlation to other abusive behaviors. In 2016, they began collecting data on animal abuse crimes. The FBI has noted evidence that animal abusers are more likely to be perpetrators of domestic violence or other violent crimes. Studies have also shown that people who have abused animals in the past are likely to do so in the future with a near 100% recidivism rate for certain types of abuse such as animal hoarding.

**For an animal abuser registry to be effective, it needs to be a statewide registry.** Ordinances limited to local municipalities, individual counties, or regional jurisdictions are insufficient to identify statewide offenders and their ability to purchase or gain possession of animals freely within the state. Our neighboring county Hillsborough has recently introduced a county ordinance to establish a single county animal abuser registry. Although this would be an effective tool to prevent the sale or purchase of animals to abusers registered within Hillsborough, it would lose its effectiveness due to the close proximity of adjacent counties and lack of enforcement there. The Hillsborough ordinance is tailored similar to the 2012 Bill introduced by then Senator Mike Fasano entitled "Dexter's Law". Dexter's Law would have established a statewide animal abuser registry under the Department of Law Enforcement (Department) and required the clerk of court in the judicial circuit in which a person's conviction for an animal abuse offense to forward a copy of the judgment to the Department. The bill did not make it beyond the Senate Agricultural Committee and there was no House Representative supporting the bill. This would have been the first statewide animal abuser registry in the country.

In 2015, Tennessee became the first state to pass an animal abuser registry. The Tennessee bill was entitled, "Tennessee Animal Abuser Registration Act." It more narrowly defined "animal" as a companion animal, and a "non-livestock animal", and specifically stated that "animal" does not mean "livestock" as defined in TN Code § 39-14-201 (2014):

"Animal" means a domesticated living creature or a wild creature previously captured;

(2) "Livestock" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, goats, and poultry;

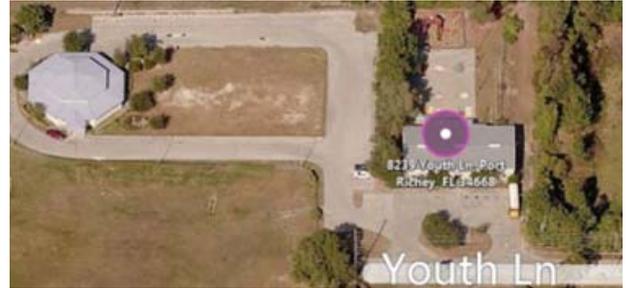
(3) "Non-livestock animal" means a pet normally maintained in or near the household or households of its owner or owners, other domesticated animal, previously captured wildlife, an exotic animal, or any other pet, including but not limited to, pet rabbits, a pet chick, duck, or potbellied pig that is not classified as "livestock" pursuant to this part;

**A statewide animal abuser registry would more likely appeal to a broader audience and have more opportunity for passage when narrowly defining "animal" for the purpose of this legislation.** A more narrow definition of "animal", such as the Tennessee code, would exclude "livestock" and thereby focuses the registry primarily on companion animals. The Human Society of the United States reports that based on numbers from pet-abuse.com, of 1,880 cruelty cases reported in the media in 2007 that 82.5% involved dogs or cats. Clearly the broad availability and accessibility to these companion animals make their mistreatment by abusers more common in society. Greater protections are needed to prevent such abuse.

A statewide animal abuser registry would be an additional protection for these animals and perhaps a deterrent for more serious crimes.

### 3. NAVIGATION CENTER CAPITAL FUNDING

- The Pasco County Board of County Commissioners Owns 2 (Currently Vacant) Buildings Located at: 8239 Youth Ln., Port Richey, FL 34668 in Which the County Would Interface with Community Partners to Operate a **Navigation Center**



#### WHAT IS A NAVIGATION CENTER?(MODEL FROM SAN FRANCISCO, CA)

- Provides Low Barrier Pathways to Permanent Housing for Homeless Citizens
- Designed to Bring Entire Encampments to the Center for Additional Resources
- Case Management from Community Partners to Provide Jobs, Housing, Substance Abuse, and Mental Health Resources to Transition to More Stabilized Situations
- Low Threshold/Requirements for Entry Removes Many of the Barriers to Traditional Programs and Focuses on Mid-term Housing Solutions

#### IN PASCO COUNTY:

There are **4,500** Homeless, **800** Chronic Homeless, **100** Estimated Camps

The County has Adopted Panhandling and Trespass Ordinances that Indicate that Approximately **49%** of the Citations Issued are Issued to Homeless Persons (3 Months of Reporting)

#### OPERATION OF THE FACILITY

- Would be directed by the County through contracted services with a service provider or potentially the Sheriff's Office
- Estimated Cost of Operations is **\$600,000.00** annually
- Funded Through Public and Private Sources, Additional Grants, and Redirection of Existing Grant Dollars Within the County

#### BENEFITS TO PASCO INCLUDE BUT ARE NOT LIMITED TO:

- Servicing **50 - 100 Highly Vulnerable Citizens** to Transition to Stable Housing
- Reduce Jail Population – the Cost to Serve Navigation Center Clients is Approximately **90% Cheaper Than Incarceration**
- Focus the Varied Efforts of Multiple Not for Profit Agencies into One Location
- Support of the Mobile Medical Unit from the Public Defender's Office
- Federally Funded Extremely Low Income Housing Program to Provide Transitional Housing with a Case Management Component
- Potential County Program to Hire Navigation Center Clients to Develop Job Skills

This Joint Effort between Multiple **Community Partners, the County, and the Sheriff's Office** Would Serve the Homeless Population of Pasco County by Providing **Mental Health, Substance Abuse, Law Enforcement, Housing, Career Counseling, and Basic Necessities** to an Underserved and Often Bemoaned Portion of Pasco's Population While Providing Long-term Benefits for the Community as a Whole. This Effort will Require **\$1,000,000.00 in One Time Capital Funding** for Renovations of Both Buildings to Comfortably House **50-100 Homeless Citizens**.



**LEGISLATIVE CALENDAR**  
**FLORIDA STATE LEGISLATURE**  
**2016**

<b>DATE</b>	<b>EVENT</b>
November 22, 2016	Organizational Session
December 5-9, 2016	Interim Committee Week (House of Representatives)
December 12-16, 2016	Interim Committee Week (Senate)
January 9-13, 2017	Interim Committee Week
January 23-27, 2017	Interim Committee Week
February 2017	The Governor's Budget Recommendations are due at least 30 days prior to the scheduled annual regular session.
February 6-10, 2017	Interim Committee Week
February 13-17, 2017	Interim Committee Week
February 13-15	Pasco County Legislative Days
February 20-24, 2017	Interim Committee Week
March 7, 2017	Regular Session convenes
May 5, 2017	60th day -- last day of Regular Session



*Pasco County* is committed to providing excellent public services that meet the needs of our citizens and enhance the quality of life for our residents and visitors. Pasco County is a diverse and rapidly growing mix of vibrant places and open spaces, and is the future of Tampa Bay as the place to locate thriving centers for business and commerce.



## OFFICE OF GOVERNMENT AFFAIRS

38283 McDonald Street  
Dade City, FL 33525  
(352) 521-5116  
[pascocountyfl.net/govaffairs](http://pascocountyfl.net/govaffairs)

8731 Citizens Drive, Suite 135  
New Port Richey, FL 34654  
(727) 815-7092  
 @PascoGovAffairs