

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
GENERAL BUSINESS / AGENDA ITEM # 17**

**SUBJECT:** Approval of Flagler County 2016 Local Legislative Priorities.

**DATE OF MEETING:** October 5, 2015

**OVERVIEW/SUMMARY:** The Flagler County Board of County Commissioners (BOCC) annually establishes a list of legislative priorities to present at the Legislative Delegation meeting that is held locally each year. The legislative priority listing is an important tool used throughout the year during the regular legislative session by legislators and their staff. The list is also provided to the County's lobbyist for bill tracking and for advancing the County's priorities.

Proposed funding requests for the 2016 Legislative Session are:

1. MalaCompra Basin Water Quality Enhancement Project (Phase I)
2. Florida Agricultural Museum Year 2 Capital Improvements

In addition to these two top funding priorities, the attached local legislative priorities identify several other policy issues of local concern to Flagler County. This year's priority list is organized in two categories: policy-based legislative priorities and legislative funding requests. As we do each year, we will seek support for several of these priorities from the Florida Association of Counties and/or the Small County Coalition.

After review and discussion by the Board, staff will prepare a final list of local legislative priorities for approval by the Board at the October 19, 2015 meeting.

**FUNDING INFORMATION:** N/A

**DEPT./CONTACT/PHONE #:** Craig Coffey, County Administrator, (386) 313-4001

**RECOMMENDATIONS:** Request the Board discuss/suggest local legislative priorities and approve the Draft 2016 Flagler County Legislative Priorities and/or other legislative items and approve Chairman sending letter on MalaCompra Basin funding request.

**ATTACHMENTS:**

1. Flagler County's Draft 2016 Local Legislative Priorities
2. Draft letter

  
\_\_\_\_\_  
Craig Coffey, County Administrator

  
\_\_\_\_\_  
Date



**Flagler County 2016 Local Legislative Priorities**  
*Board of County Commissioners Meeting – October 5, 2015*

**SUMMARY OF PROPOSED FLAGLER COUNTY LOCAL LEGISLATIVE PRIORITIES FOR 2016 SESSION:**

**FUNDING PRIORITIES:**

**1. MALACOMPRA BASIN WATER QUALITY ENHANCEMENT PROJECT (PHASE I)**

*FUNDING REQUESTED: \$2,500,000*

**Background:** The Malacompra Basin is part of a regional system of dunes and interdunal swales located in northeastern Flagler County which contributes untreated stormwater and septic tank leachate into the headwaters of State Parks, National Monuments, and major conservation areas including: Pellicer Creek Corridor Conservation Area, Faver-Dykes State Park, Washington Oaks State Park, Pellicer Creek Aquatic Preserve, Fort Matanzas National Monument, Matanzas State Forest, Moses Creek Conservation Area, the Summer Haven River, the Guano-Tolomato-Matanzas National Estuarine Research Reserve and thousands of acres of pristine highly productive salt marshes containing some of the last remaining class II shell fishing areas, impacting two counties, Flagler and St. John's, in northeast Florida.

Many of the problems have historically existed since the early 1930s and include nonregulated residential discharges from Marineland Acres, Armand Beach, Johnson Beach (septic and stormwater), and permitted discharges from Sea Colony, Ocean Hammock and portions of Hammock Dunes (stormwater discharges). During rainfall events, many of the stormwater conveyance and storage capacity of the canal causing stormwater to drain poorly, flooding local roads and properties, and preventing first responders from administering aid to the 1500 homes located within the basin. Further, this nutrient rich water flows unchecked into areas carrying the Outstanding Florida Waters designation which should have some of the highest surface water quality in the state. being solely influenced by rainfall, septic tank leachate sits atop of the aquifer waiting to be flushed out during periodic nor'easters or hurricanes further contaminating these noted water bodies. After significant modeling the traditional approach to correcting the problems was determined to be too cost prohibitive, and an alternative, proactive approach was designed that would save two million taxpayer dollars.

The alternative approach; a new holding pond and new backbone system with stormwater collection laterals with a new outfall, have been permitted with the Saint John's Water Management District and the Army Corps of Engineers. The total project cost is estimated at \$8.8 million. Flagler County has already contributed \$3.5 million in the design and permitting of the new system, including acquisition of 6 acres of property for the holding pond, and a new outfall easement for this needed regional stormwater treatment area. For these reasons, Flagler County is seeking state funding in the amount of \$1.5 million for the first phase of construction. The County has \$1 million in local cash match for the \$2.5 million phase 1 project.

The local impact of periodic flooding of homes and roads, loss of access to emergency responders, public transportation services, school buses, medical supply deliveries and other services critical to residents is obvious. Being the headwaters of a major draining towards the Matanzas inlet, coupled with the continued bacterial and untreated stormwater pollution and freshwater discharges to that, further impacts the remaining Class II shell fishing waters in both Flagler and St. John's Counties. Lastly, the impact to Class III water quality standards throughout the region can be reduced by a prudent investment/partnership with Flagler County today, which will help prevent this region of Northeast Florida from becoming the next Indian River Lagoon Restoration effort costing hundreds of millions more.

**FLORIDA AGRICULTURAL MUSEUM YEAR 2 CAPITAL IMPROVEMENTS**

*FUNDING REQUESTED: \$2,000,000*



## Flagler County 2016 Local Legislative Priorities

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**Background:** This request is for \$2,000,000 in Fixed Capital Outlay appropriation from General Revenue. Funds from this appropriation will be utilized in accordance with an established capital plan for improvements to the Florida Agricultural Museum, a direct-support organization affiliated with the Florida Department of Agriculture and Consumer Services. The Museum's capital plan was developed and is currently being implemented in partnership with Flagler County.

This request will aid the Museum in completion of Year 2 of its capital improvement plan, building upon, complementing and enhancing improvements made in Year 1 with the assistance of the State. Originally, the Museum was established with intent to provide capital investment for initial infrastructure, which until the FY2014-15 legislative appropriation, had not come to fruition.

The Museum's existing financial resources are only sufficient to maintain its current operations; as a result, the Museum is unable to build reserves for capital improvements. However, the Museum's capital plan includes several revenue-generating projects that will help the Museum to become financially stable and ensure sustainable future growth. In addition, these projects will allow the Museum to offer new exhibits and programs that are consistent with its mission.

With the rapidly accelerating agritourism trend, these improvements will also serve to greatly benefit the Department, the State of Florida, and the State's various agricultural commodity groups. The continued implementation of the Museum's capital plan will create the opportunity for commodity groups and industry associations to showcase their respective historical contributions to agriculture in Florida, current and emerging technologies employed by their industry, and will draw the general public to experience and learn about the state's proud agricultural history.

The State of Florida will fall further behind other states in telling our rich and diverse agricultural heritage if we do not allocate State funding. George for example has invested \$1,000,000 a year for decades into its agricultural museum. If not funded, the Florida's principal agricultural museum would remain in a stagnant financial position with limited ability to build reserves. This will also result in further deterioration of existing museum exhibits and increased maintenance and repair costs at a time when state agritourism trends are at their peak.

#### **POLICY PRIORITIES:**

##### **1. CLOSE TECHNICAL LOOPHOLES IN PUBLIC RECORDS LAWS**

**Background:** Several individuals and entities around the State have developed a cottage industry designed to produce technical violations of the public records laws. These individuals and organizations have filed thousands of public records requests and hundreds of lawsuits, not necessarily interested in obtaining public records, but achieving a settlement and personal financial gain at the expense of tax payers. Some local governments have become inundated with requests that are not aimed to achieve a public purpose and have at times, been duplicated across departments within the same organization, hampering efforts to effectuate the response. These requests flood local government agencies and not only cause unintended technical violations, but also limit and severely delay response to requests that serve an actual public purpose.

**Requested Action:** Support legislation that closes loopholes that allow for technical violations of public records laws and establish a legal precedent for the permeation of information requests within local governments.

##### **2. REVISE THE COST SHARE MODEL FOR JUVENILE DETENTION COSTS**

**Background:** Over the past several years, the Florida Legislature has considered various fixed cost-share models for juvenile detention costs, but has failed to pass the committee process. Every county government in Florida supports a fair 50/50 cost share split between state and local government, however the State Legislature



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continues to oppose revising the current practice. Various court rulings in the State have shown favor towards a fairer model and have also ruled that current law calls for local governments to be responsible for less of the total costs than they are currently being billed for by the State. Local governments will support a 50/50 cost share model even if they are not promised a return of more than \$150 million in overpayments from this current impasse.

**Requested Action:** Support legislation evenly splitting the juvenile detention cost share 50/50 between state and county government.

### 3. OPPOSE EFFORTS BY UTILITY COMPANIES TO SHIFT RELOCATION COSTS TO LOCAL GOVERNMENTS

**Background:** Under Florida common law, local governments have utilized their home rule authority to construct transportation projects and require utilities to relocate utility equipment when necessary while requiring utility companies bear those costs when the utilities are located in a public easement. This legislation would shift millions of dollars of cost to already-stretched local property taxes and gas tax funds at both the local and state level. This will also kill many needed transportation projects in turn, leading to more congestion and a lower quality of life for residents.

**Requested Action:** Oppose legislation that will shift any or all utility relocation costs in a public right of way from the utility company to the local government placing a heavy burden on local taxpayers.

### 4. REVISE STATE EMERGENCY MANAGEMENT COST SHARE ARRANGEMENTS FOR DISASTER FUNDING

**Background:** The Federal Hazard Mitigation Grant Program (HMGP) authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Act allows for individual homeowners, businesses, and private nonprofits to apply for funding for disaster mitigation assistance from FEMA. Applicants are required to have their local government act as a sub applicant and in event of an award grant; to also act as the distributor for grant funds. FEMA awards up to 75 percent of each project cost, however the state or grantee must cover the remaining 25 percent. The requirement for the local government to act fiscally, may often serve as a deterrent for individual applicants to pursue needed disaster mitigation changes to unmitigated property, increasing the chance for greater recovery costs in a future disaster.

**Requested Action:** Support a 50/50 cost-share arrangement with the State for the non-federal portion of the HMGP.

### 5. SUPPORT AN EQUAL DISTRIBUTION OF LAND MANAGEMENT FUNDS THROUGHOUT THE STATE

**Background:** Florida voters in 2015 passed Amendment 1 to ensure land management and conservation throughout the State remained a top priority. The 2015 Legislative Session saw an outpouring of support for an increase of funding for land acquisition and water and land management, however no clear rules were established or precedent set for the disbursement of these funds for project allocations. Flagler County supports equal funding among the 67 counties based on overall acreage and not per-capita. Counties with smaller populations will have greater opportunities in the future for better conservation and planned management of environmentally sensitive lands and should not be limited to marginal funding because current populations pale in comparison to other counties.

**Requested Action:** Establish an equal and fair distribution of Amendment 1 related funding for land acquisition and management purposes and set a precedent for future program funding.



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#### 6. MAINTAIN A COUNTYWIDE REGULATORY SYSTEM FOR EMS THROUGH CURRENT (COPCN) PROCESS

**Background:** Ensuring quality and efficient emergency medical services (EMS) is an essential element of local government, however recent legislative efforts to fragment the current Certificate of Public Convenience and Necessity (COPCN) process would force municipal and county governments to compete for funding in the future. A substantial increase of costs, duplication of services, and greater risk to life and property are all probable consequences of EMS fragmentation, simultaneously overburdening each EMS provider with additional ambiguities and regulatory challenges. Communication between collaborating agencies remains one of the greatest challenges of emergency response and past experiences have proven that the decentralization of local services only serves to negatively impact efficiency while driving up costs. In addition, medical costs will increase for residents who would no longer have the choice of hospital to remain with their in-network insurance provider.

**Requested Action:** Oppose legislation that would seek to alter the current COPCN process and/or fragment the countwide regulatory system for EMS services.

#### 7. AMEND FLORIDA STATUTES TO PROVIDE AN EXEMPTION TO GSA KKK-1822-F REQUIREMENTS

**Background:** The General Services Administration (GSA) issued a change notice to the current KKK-1822-F specifications for ambulances that fall under the Star of Life (SOL). Change Notices #7 and #8 require compliance with Society of Automotive Engineers (SAE) standards J3026, J3027, and J3043. The new production standards consist of ambulance litter integrity and patient restraint and retention improvements. These changes have been criticized by the fire rescue community as unnecessary and would also create another unfunded mandate for all new ambulance purchases raising the cost of each vehicle by nearly \$30,000. As Florida Statute 401.35 requires all ground ambulances in the State to adhere to the GSA's most recent recommended standards, all 67 counties in the State would feel an immediate and significant impact. Best practices and efficient management of ambulance fleets also require interoperability of systems between vehicles. This unfunded mandate would not only burden counties in future purchases, but also complicate current day to day operations.

**Requested Action:** Support changing Florida Statute's requirement for ground ambulance vehicles to meet GSA recent recommended standards with an exemption for Change Notice's # 7 and #8.

#### 8. OPPOSE EFFORTS TO LEGALIZE FRACKING AND OIL AND GAS EXPLORATION IN FLORIDA

**Background:** As a response to bills introduced in the 2015 Legislative Session, the Flagler County Board of County Commissioners approved in May 2015, two resolutions opposing well-stimulation ("fracking") in addition to the exploration of oil and gas within the Exclusive Economic Zone off Florida's coast. The April 20, 2010 Deepwater Horizon event in the Gulf of Mexico caused tens of billions of dollars in economic damage, particularly along Florida's west coast and permanently affected both coastal communities and businesses in the State. Fracking has also been proven to be extremely hazardous to environments and communities having been attributed to frequent earthquakes and long term pollution of water reservoirs. Any monetary or economic value from jobs created in the expansion of any of these controversial practices would be overshadowed by the gross devastation even one accident may impose in the future.

**Requested Action:** Oppose any effort to establish or fast-track a legal method for oil and gas companies to explore or drill for new energy sources off Florida's coast in addition to opposing any bill that would make fracking a legal and accepted practice within the State. Support a moratorium on both fracking and oil and gas exploration in and around Florida.

**Board of County  
Commissioners**

1769 E. Moody Blvd Bldg 2  
Bunnell, FL 32110



Attachment 2

[www.flaglercounty.org](http://www.flaglercounty.org)

Phone: (386)313-4001

Fax: (386)313-4101

October 5, 2015

Honorable Governor Rick Scott  
State of Florida  
The Capitol  
400 S. Monroe Street  
Tallahassee, FL 32399

Re: 2016 Funding for the MalaComprá Basin Water Quality Enhancement Project

Dear Governor Scott:

On behalf of the Flagler County Board of County Commissioners I am writing to respectfully request your concurrence with regard to Flagler County's number one funding priority for the 2016 Legislative Session -- the MalaComprá Basin Water Quality Enhancement Project in the amount of \$1.5M.

In June, the Florida Legislature approved in its FY2016 budget under Specific Appropriation 1662A, \$600,000 for Phase 1 of the MalaComprá Basin Water Quality Enhancement Project. Funding for the MalaComprá project was subsequently vetoed by your office. We believe the regional and state significance of this project has been underestimated and were not fully represented during last year's legislative process. We would, therefore, like to review the ways this project will, indeed have regional impact and "provide a statewide return on investment".

Many pollutants being introduced into the Intracoastal Waterway (ICW) are a result of the unmitigated flood zone this project is engineered to significantly improve. In addition, over 1,500 homes and families are directly affected by consistent flooding within this area as major rainfall events endanger lives and limit access of emergency service vehicles. The problem in totality contains elements of human life and safety in addition to environmental and ecological considerations, which is why we believe it to be of the highest state and regional significance.

Persistent flooding along the Marineland Acres and North MalaComprá Basin has led to increased sediment in the ICW. These areas contain homes and traffic flow that contribute to water pollution during moderate to heavy rainfall events. As the population within the MalaComprá area continues to grow, future localized rainfall will have a greater negative impact as persistent flooding carries more sediment and undesirable pollutants into the Intracoastal Waterway.

The purpose of the MalaCompra Basin Water Quality Enhancement Project is to drastically reduce the pollutants being introduced into the ICW as a result of the unmitigated flood zone. This project is engineered to improve the runoff into the ICW and stands ready to begin once State funding in the amount of \$1.5M is added to local funding.

We truly appreciate your commitment to the people of Florida and specifically to the citizens of Flagler County. With your dedication and support of our position, we are confident the Florida Legislature will learn more about this important project and its regional impact, thus giving prompt reconsideration to its funding.

If there are any other details or information we can provide, please do not hesitate to let me know.

Sincerely,

Frank J. Meeker  
Chairman

Enclosure