



CITY OF PALM BEACH GARDENS 2013 LEGISLATIVE SESSION PRIORITIES

- I. **City-Initiated Annexation Amendment:** Continue to seek sponsor(s) for proposed amendment, which increases the minimum acreage for enclave annexation; continue to look for compatible legislation to insert amendment.
- Proposed during the 2012 Legislative Session, City's main "offensive" issue.
 - Amends *FS 171.046 Annexation of enclaves*, to streamline the current annexation process by providing municipalities another method by which to annex an enclave, **by ordinance**.
 - Statute currently allows expedited annexation of enclaves 10 acres or less. Proposed amendment would expand the minimum acreage of this development tool.
- II. **Public Safety Pension Plans and the Florida Retirement System (FRS):** Support legislation that would ease 175/185 Pension Plan requirements for entry into FRS.
- The City currently receives 175/185 funds from the State to help offset pension expenditures. The City's actual cost far exceeds the State subsidy, thus creating unfunded liabilities over time.
 - One possible option to reduce this liability is to freeze the current 175/185 plans and offer employees the ability to voluntarily convert to FRS. All new hires would be required to join FRS. Please note that all general and SEIU employees are enrolled in FRS.
 - By joining FRS, the City and employees would likely realize significant savings. An actuarial study was recently commissioned to determine the actual dollar amount, and the results will be made available upon receipt.
 - Florida Division of Retirement has stated municipalities would be ineligible to receive 175/185 State funds if it were to offer two (2) concurrent State pension plans (i.e., FRS and the 175/185 Plans).
 - The City would support efforts to ease these requirements and allow the conversion of public safety into the FRS.

III. Appropriation Request: Seek State funding to raise the elevation of PGA Boulevard between the C-18 Canal and the Beeline Highway in order to eliminate the current flooding issues associated with this emergency and evacuation route.

- PGA Boulevard, between South Florida Water Management District's (SFWMD) C-18 Canal and Beeline Highway, dissects a natural wetland that stores water released in the dry season for the Loxahatchee Slough.
- As a result, in the wet season, water levels easily rise from both sides of the roadway during storm events, which disrupts travel lanes and has the potential to render the roadway impassable for motorists.
- As SFWMD continues to raise water elevations for the wetland per operational plans, more frequent flooding **has** and **will** occur.
- PGA Boulevard is a main east/west thoroughfare for thousands of motorists on a daily basis, as well as a primary emergency evacuation route for a large portion of northern Palm Beach County.
- Further, this situation has catastrophic, life-threatening consequences if emergency response/public safety vehicles are delayed as a result of roadway flooding.
- The recommendation of the City Engineer, which is also supported by the Florida Department of Transportation (FDOT) District Secretary James Wolfe, is that the road should be raised approximately 18 inches along the two (2) mile stretch most prone to flooding from the rising water levels.
- The estimated project cost is \$1,750,000.00, which includes engineering, permitting, new base, asphalt per FDOT standards, reestablishment of the roadway embankments, mobilization, National Pollutant Discharge Elimination System (NPDES), etc.

IV. Protect Local Business Tax Receipts: Oppose any and all efforts by the Legislature to repeal, restrict, or place moratoriums on *FS Chapter 205*, which established the Local Business Tax Act.

- During the 2012 Legislative Session, a Senate bill and its House companion (SB 760/HB 4025) was filed seeking to repeal *FS Chapter 205*.
- The Business Tax Receipt (BTR) is of paramount importance to City operations and to the residents, businesses, or other agencies it serves.
- The most obvious consequence of its repeal would be the loss of revenue to the City. In FY 2011-2012, the City collected \$1,370,720.36 in BTR revenue.

- Information obtained via the BTR process is essential for City operations. Examples include:
 - Code Enforcement - uses BTR documents in code cases and Special Magistrate Hearings; used to monitor nonconforming waivers.
 - Police Department - BTR system tracks and can quickly access all business locations that attract children (i.e., movie theatres, day care centers, schools); provides information regarding high-risk businesses to Police Department (banks, convenience stores, etc.).
 - Fire Department - BTR ensures businesses are in compliance with fire code, as it keeps record of the required annual fire inspection fees.
 - North Municipal Regional Communications Center (North County Police Dispatch Center) - used by Police Dispatch to route emergency calls to police officers. Since annual BTR renewal is required, the most up-to-date address information is obtained for commercial and residential businesses within the City, ensuring time is not wasted responding to an incorrect address.
 - Outside Law Enforcement Agencies (Palm Beach County Sheriff, ATF, Medical Quality Assurance) - provides information regarding businesses or individuals who may be operating illegally or have prior criminal history.
 - Building Division - verifies construction projects have the proper permits; ensures building code compliance for all existing restaurants through BTR approval process; tracks liquor licenses and group homes; ensures compliance with State-mandated distance requirements.
 - Planning and Zoning - tracking mechanism for medical offices that prescribe medication (pill mills); used for zoning and development order compliance.
- These services would no longer be available if current BTR revenues were not received to pay for the employees responsible for the management of this vital service.

V. Effective Public Notice/Electronic Advertising: Encourage and support legislation that seeks to amend the current statutory requirement whereby a governmental entity *must* publish public notice and advertisements via print newspapers. Additionally, allow for the imposition of penalties and/or fines to news publications when errors result in non-compliance.

- Print newspaper advertisements are very costly. From 2004 to present, the City has expended \$253,529.44 in order to meet State requirements.
- Current statute has the potential to create non-conforming liabilities for the City, as accurate placement, timing, and verbiage now rests entirely with the news publication. It should be noted that the City has encountered timing and accuracy issues with its required print news publication, The Palm Beach Post.
- Granting governmental entities the option to publish its public notices and advertisements via electronic media (website) or other means gives municipalities control and responsibility over its own advertising, which results in the dissemination of more accurate information and a better informed public.

VI. Additional Priorities:

A. Support Florida Recreation Development Assistance Program (FRDAP)-encourage the Legislature to fund this critically important program.

- FRDAP is a competitive matching grant program which provides grants for the acquisition or development of land for public outdoor recreation use or to construct or renovate recreational trails.
- FRDAP grants were used in the development and/or renovation of the following City recreation projects:
 - Lilac Park Phase III – \$135,611
 - PGA Park Phase III – \$135,611
 - City Park Phase I – \$200,000
 - City Park Phase II – \$200,000
 - Lilac Park – \$200,000
 - Sandhill Crane Access Park – \$200,000

B. Florida Police Chiefs Association Priorities:

1. Internet Cafes - Support amendment to clarify and provide consistency as it relates to online gambling laws.
2. Distracted Driving - Support revisions to *FS 316.1925* (careless driving) to define, prohibit, or restrict the use of wireless communication devices that distract drivers while operating a motor vehicle.
3. Truth-in Sentencing - Support current "Truth-in-Sentencing" Law that requires convicted criminals to serve 85% of their court-imposed sentence.
4. Innocence Project - Oppose efforts by Innocence Project to micromanage or mandate policing policies through the legislative process or waste additional taxpayer dollars on issues that have been already addressed by the Florida Innocence Commission. Note: Project Innocence is a private organization that claims itself to be a "national litigation and public policy organization dedicated to exonerating wrongfully convicted individuals through DNA testing and reforming the criminal justice system to prevent further injustice". The Florida Innocence Commission was established in 2010 to provide a mechanism to recommend to the Supreme Court of Florida solutions to eliminate or significantly reduce the causes for wrongful or erroneous convictions. These solutions may include, but not be limited to, suggested rule proposals or amendments, statutory changes, or other procedural changes directly related to the wrongful conviction of the innocent. The Commission brings together prosecutors, defense attorneys, judges, law enforcement, legislative representatives, and victim advocates to work together as a collegial body to identify the common causes of wrongful convictions, and to recommend procedures to decrease the possibility of these convictions in the future.
5. Open Carry - Oppose legislation that would jeopardize officer safety by authorizing the open carry of firearms.
6. Bath Salts/Synthetic Drugs - Support legislation that eliminates loopholes in the law regarding synthetic drugs to ultimately ban these substances.
7. Employee/Employer Relations - Oppose any legislative attempt to further restrict the local conduct of employee/employer relations issues, including any expansion of or mandating of collection bargaining by local governments.
8. Maintain current funding levels of Florida Department of Law Enforcement Services, Training Center Trust Fund Dollars, and the Court System.