



City of Coconut Creek Florida 2017 State Legislative Agenda

I. *Intergovernmental Relations*

A. Home Rule

BACKGROUND: Home Rule is based on the time-tested premise that the government closest to the people is the authority best positioned to serve the needs of the community. The right of the people to use a grassroots approach to determine public needs, public purpose, and implement programs is an important democratic principle. Home Rule powers are conferred to local government by the Florida Constitution and Florida Statutes. Maintaining the integrity of Home Rule, both administrative and fiscal, allows local governments to develop and implement community-based solutions to community-based issues, which is an essential component of good government.

POSITION: The City of Coconut Creek **supports** the preservation of Home Rule and **opposes** any legislation that seeks to diminish powers granted to local government. (FLC 2016)

B. Unfunded Mandates

BACKGROUND: Frequent State directives mandate local governments to provide services or programs without providing appropriate revenue or funding sources to implement or enforce the required activity. These unfunded mandates can compromise a city's ability to provide essential and discretionary services deemed appropriate by the local community.

POSITION: The City of Coconut Creek **opposes** unfunded mandates from any level of government. (FLC 2016)

C. Required Public Notice Advertising in Newspapers

BACKGROUND: A vital element of the Sunshine Law is the requirement that boards subject to the law provide "reasonable notice" of all meetings. See S. 286.011(1), F.S. The type of notice that must be given is variable, depending on the facts of the situation and the board involved. In some instances, posting of the notice in an area set aside for that purpose may be sufficient; in others, publication in a local newspaper may be necessary. In each case, an agency must give notice at such time and in such a manner as will enable the media and the general public to attend the meeting.

As the City of Coconut Creek is committed to open communication with our residents, we believe the use of our publicly accessible website for public notices, along with other methods as appropriate, would provide for continued open communication with our residents. It would also provide for the most efficient use of resources. In FY16, the City of Coconut Creek spent \$20,697 in newspaper advertising costs related to public notices, and the budget allocation for FY17 is \$30,000. The potential savings of these funds would assist the City in maintaining and enhancing service levels.

POSITION: The City of Coconut Creek **supports** legislation authorizing local governments the option of using their publicly accessible websites for legally required public notices and advertisements in lieu of newspapers.

D. State of Florida Gaming Compact with the Seminole Nation

BACKGROUND: A five-year Compact expired in 2015 that granted the Seminole Tribe exclusivity in the State of Florida for certain gambling games in exchange for a payment to the State of \$125 million per year, of which 3% goes toward local governments located within one mile of a casino to offset any negative impacts associated with the gaming activity.

While Governor Scott negotiated and signed a \$3 billion, seven-year agreement renewing the Tribe's exclusivity in 2015, the Legislature failed to pass a law to grant required approval of the deal, leaving payments from the Seminole Tribe in question and resulting in Federal litigation that is currently ongoing.

POSITION: The City of Coconut Creek **supports** renewal of the Gaming Compact between the Tribe and State with no less than the same percentage of revenue sharing as is in the current agreement.

E. Allowing Price in the Consultants Competitive Negotiations Act

BACKGROUND: Current law prohibits local government from requesting price proposals before selecting a provider for certain services, including architectural, engineering, landscape architecture, mapping, and surveying services, which has resulted in higher prices.

POSITION: The City of Coconut Creek **supports** legislation that would permit price to be considered in the selection of these services.

F. Uniform Chart of Accounts

BACKGROUND: Section 215.89, Florida Statutes required the Chief Financial Officer (CFO) to present recommendations on Uniform Chart Of Accounts (UCOA) for reporting of financial information of state agencies, local governments, educational entities, and entities of higher education to the Legislature. The proposed UCOA, presented to the Legislature last year, is costly to local governments, and ultimately the taxpayers, and would result in the delivery of inaccurate, confusing and duplicative information.

POSITION: The City of Coconut Creek **opposes** implementation of the currently proposed UCOA. The City of Coconut Creek **supports** alternative legislation which would accomplish the Legislature's goal of increasing transparency in reporting without imposing a significant financial burden on local governments.

II. Finances and Taxation

A. Municipal Revenues

BACKGROUND: State leaders have historically pursued "broad-base" tax relief as a Legislative Priority, including a desire to decrease revenues collected from the Communications Services Tax, Local Business Tax, Ad Valorem taxes and Commercial Lease Sales Tax as well as restrict the authority of local governments to levy taxes. As costs of providing local government services to residents continue to increase, revenues collected from these sources are critical to maintain.

POSITION: The City of Coconut Creek **opposes** any reduction to local government allocations or tax base reduction due to ad valorem exemptions which would result in a loss of municipal revenue that would directly affect the level of services the City is able to provide its residents and the City's ability to properly plan for the future. The City especially opposes reductions to or restrictions imposed upon the important revenue sources listed below:

1. Communications Services Tax Protection

BACKGROUND: In 2001, the Florida Legislature created the Communication Services Simplification Act, which restructured taxes on telecommunications, cable, direct-to-home satellite and related services. The law replaced and consolidated seven different state and local taxes and fees into a single tax that is composed of two parts, the state Communications Services Tax and the local Communications Services Tax. The local Communications Services Tax is one of the main sources of general revenue for municipalities, generating nearly \$800 million every year for cities and counties. The City of Coconut Creek receives approximately \$2.1 million each year in revenue from the CST. These revenues may be used for any public purpose, including pledging the revenues to secure bonds.

POSITION: The City of Coconut Creek **opposes** legislation that restricts, reduces or eliminates municipal revenues generated under the Communications Services Tax (FLC, 2016; BLC, 2016).

2. Local Business Tax Protection

BACKGROUND: Currently, a municipality may impose a local business tax for the privilege of engaging in or managing a business, profession, or occupation within its jurisdiction. The amount of the tax, as well as the occupations and businesses on which the tax is imposed, is determined by the local government. Local business tax revenues collected by local governments are used to assist in funding services critical to businesses, such as zoning, permitting, code enforcement, and police and fire services. Local governments also may use business tax revenues to help fund economic development programs, presenting a direct benefit to businesses through the marketing of local areas. Many municipalities use the business tax as general revenue funds and have pledged these revenues to secure debt. Collections for municipal local business tax revenues are approximately \$145 million annually. The City of Coconut Creek receives approximately \$300,000 each year in revenue from the Local Business Tax.

POSITION: The City of Coconut Creek **opposes** legislation that restricts, reduces or eliminates municipal revenues generated under the Local Business Tax (FLC, 2016; BLC, 2016).

3. Impact Fees Protection (NEW)

BACKGROUND: Impact fees and transportation currency are mechanisms used by local governments to ensure that new developments pay for the infrastructure needs they generate. An impact fee is based on the proportionate share of the cost of the public facilities needed to serve new development. Florida law requires that calculation of an impact fee be based on the most recent and localized data. In addition, a city imposing an impact fee must provide for an accounting and reporting of impact fee collections and expenditures. Transportation currency is a state law that requires each local government in Florida to adopt a comprehensive plan and implement regulations that require adequate basic services and facilities be provided at the same time as, or concurrent with, any new development.

Developers have long argued that impact fees in Florida are excessive and unfair. Additionally, because the courts afford a high level of deference to the local governments' decision-making

process, some developers feel that legal challenges to decisions regarding impact fees are almost impossible to win. In recent years, bills have been filed to limit or restrict a local government's ability to impose impact fees and transportation currency, or to make it easier to prevail in a legal challenge to an impact fee. In 2015, legislation was filed prohibiting local governments from imposing impact fees and transportation currency on small businesses of 12 or fewer employees for commercial buildings less than 6,000 square feet. While this legislation did not ultimately pass, it is expected that similar legislation will be filed in 2016 attempting to limit or eliminate the ability of local governments to impose impact fees and transportation currency.

POSITION: The City of Coconut Creek **opposes** legislation that restricts a municipality's Home Rule authority to set impact fees or transportation concurrency (FLC, 2016; BLC, 2016).

B. Housing

BACKGROUND: Florida's housing market has been one of the hardest hit in the country, and Florida's cities have been at ground zero. Cities have not only had to face a record number of foreclosures, but they have also encountered a decline in funding for affordable housing programs.

In 1992, the Sadowski Act created a dedicated funding source for affordable housing programs. An increase in the documentary stamp tax paid on all real estate transactions funds the state and local housing trust funds. From those funds, 70 percent is directed to all 67 counties, and Florida's so-called "entitlement cities," to fund the State Housing Initiative Partnership (SHIP) program. SHIP funds can be used for rehabilitation/renovation of existing vacant homes to transform neighborhoods into vibrant communities. In addition, SHIP funds can be used for down payment and closing cost assistance and may be used to rehabilitate existing low-income apartments or construct new units for very low-income families.

In 2014, Florida adopted an amendment to its Constitution which requires that 33% of documentary stamp tax revenue go towards the Land Acquisition Trust Fund. As the Sadowski Housing Trust Fund utilizes the same revenue source, the amendment may have a significant impact on affordable housing programs. It is critical that the Legislature calculates its distribution of documentary stamp tax revenue in a way that allocates the percentage of funds going towards affordable housing from the total revenue allocation rather than the remainder of revenue after funding of the Land Acquisition Trust Fund. If projected housing funds are fully invested into Florida's local government housing programs, it is estimated these funds can create 26,400 jobs and have a \$2.7 billion in positive economic development impacts for Florida's cities.

POSITION: The City of Coconut Creek **supports** full funding of the SHIP (State Housing Initiatives Partnership) program. The City also **supports** the distribution of documentary stamp tax revenue in a way in which maximizes funding for SHIP and the Sadowski Housing Trust Fund.

III. Sustainability

A. Environmental Regulations

BACKGROUND: The City has long valued the need to protect local natural resources through environmental regulatory programs such as surface water management, air quality, and pollution prevention.

POSITION: The City of Coconut Creek **opposes** any legislation that lessens environmental protection at the local level, including preemption of local authority such as through statewide or

uniform rules, and statewide standards on issues related to environmental regulations and enforcement. In addition, the City of Coconut Creek **opposes** any efforts that would negatively impact the County's ability to regulate air and water quality and the wetlands resources of Broward County, including through its delegated authority to implement the State's Environmental Resource Permit.

B. Water Quality

BACKGROUND: The City of Coconut Creek recognizes that diminished water quality and quantity affect existing business, future economic development, local and state government budgets, and the public health and safety. Cities must retain the necessary tools to meet their obligations and responsibilities to comply with water quality standards and water supply planning, development and source protection. These tools include the ability to cooperatively fund expanded wastewater, stormwater, potable water and surface water infrastructure; and statutory clarification of municipal authority to establish stormwater utilities and charge assessments and fees to the users of such systems, including state agencies and school boards.

The future of our state's economic, residential, and environmental welfare depends on an increased investment in Florida's water infrastructure. Municipalities are faced with aging stormwater and wastewater treatment facilities that are in desperate need of maintenance and repair. Assistance is needed to increase public and private stormwater erosion funding and consistency in statewide erosion control permitting.

POSITION: The City of Coconut Creek **supports** legislation which recognizes that diminished water quality and quantity affect existing business, future economic development, local and state government budgets, and public health and safety. The City **supports** legislation that establishes reasonable environmental, technical and scientific criteria for the protection and recovery of water resources and also assists municipalities' economic development efforts (BLC, 2016; FLC, 2016).

C. Water Quantity (New)

BACKGROUND: C51 reservoir is a long term project that simultaneously addresses so many of the interrelated water resources issues facing the region. Broward County, the District, Palm Beach County, municipalities, drainage districts, and other stakeholders are all involved in this project. This multi-jurisdictional, multi-purpose project is trying to get the backing in funding and commitment in order to move forward.

POSITION: The City of Coconut Creek **supports** funding of alternative water supply projects such as the C-51 Reservoir to assure adequate future water supply for urban areas in South Florida (BLC 2016).

D. Hydraulic Fracturing ("Fracking")

BACKGROUND: Fracking uses hydraulic fracturing technology to inject water, sand and chemicals underground to create fractures in rock formations. Oil and gas are released through the fissures and are captured by wells built at the sites. There are several regions in Florida where fracking can occur, including southwest Florida, and rising oil prices could make it more economically feasible for companies to pursue small or uncertain deposits with more intensive techniques.

There is a concern that the chemical makeup of the fluid that is pumped into the ground could contaminate groundwater as well as release harmful pollutants such as methane into the air. In the

past, the Legislature has attempted various measures to require disclosure of the chemicals utilized in fracking. This legislation includes "The Fracturing Chemical Usage Disclosure Act," which would require the Florida Department of Environmental Protection to establish and maintain an online registry for all of the wells in the state where fracking treatments are performed; however, a statewide policy to ban fracking will truly ensure both environmental sustainability and the health and safety of our residents.

This past legislative session, legislation was proposed that would have created a permitting system for high-pressured well stimulation or "fracking." The final bill required DEP to conduct a study on how to control and mitigate chemical impacts on the environment and develop rules for permitting process. Those rules must have then been ratified by the Legislature prior to implementation. It would have imposed a moratorium on fracking until the rules are adopted. Proponents for the measure argued that without the bill, fracking would not be regulated and would be harder to stop if pursued by company. Proponents also contended that local government preemption was already implied by the statutes and, therefore, zoning language placed in compromise with local governments would have given the local governments more authority than they currently enjoy. Opponents were dissatisfied with not allowing local governments to impose moratoriums, with DEP oversight and with the prevention of disclosure of chemicals labeled trade secrets. The legislation passed the House 73-45, but stalled in the Senate when Senate Appropriations voted against the measure. A motion was made to reconsider the bill, however the sponsor decided to not have the bill go up for a second vote. *The City strongly objects to the legislature preempting local government control related to this issue.*

POSITION: The City of Coconut Creek **opposes** any State Legislative or Administrative action that would permit fracking in Florida, and **opposes** State preemption of local regulations on fracking.

E. Oil Exploration and Everglades Protection

BACKGROUND: In June of 2015, a Miami-based corporation which owns land within a critical section of the Florida Everglades and directly within the area of the Biscayne Aquifer applied for a permit to perform exploratory oil drilling. The residents of the City of Coconut Creek depend upon the Biscayne Aquifer as a source of drinking water, which this project – if approved – could jeopardize. Additionally, this project could harm the Everglades Restoration efforts that benefit not only the environment for the residents of the City of Coconut Creek, but also the world in protecting and restoring one of the most unique ecosystems in existence. While strict conservation zoning laws may protect against this particular project, other projects within the Everglades are currently taking place or have historically. The City of Coconut Creek is concerned with future possibility that a regulatory agency could approve this or similar projects.

POSITION: The City of Coconut Creek **supports** legislation which would ban or tighten restrictions on any oil drilling – exploratory or otherwise – within the geographical region that constitutes the Florida Everglades. The City of Coconut Creek **opposes** any legislation that would ease zoning restrictions or permit requirements imposed upon oil drilling, particularly within the Florida Everglades.

F. Support for the Florida League of Cities Sustainable Priorities (New)

BACKGROUND: The City of Coconut Creek, at its December 8, 2016 Commission Meeting, unanimously voted to add legislation supported by the Florida League of Cities to the City's 2017 State Legislative Agenda. The Florida League of Cities supports measures that promote a sustainable Florida, including legislation that:

- Incentivizes the development and expansion of reclaimed water while protecting public ratepayer investments in reclaimed water infrastructure;
- Assists municipal utilities in addressing infrastructure deficits;
- Maintains the authority of municipalities to operate public utilities;
- Protects and improves the quality of water including surface water, drinking water, and aquifers;
- Imposes a statewide ban on hydraulic fracturing;
- Increases the ability of local governments to address water quality impairment attributable to excess nutrients; and
- Increases state and local efforts to mitigate and adapt to increasing tidal and stormwater flooding.

POSITION: The City of Coconut Creek **supports** the sustainable priorities identified by the Florida League of Cities.

IV. Growth Management and Transportation

A. Growth Management and Transportation

BACKGROUND: Transportation and infrastructure funding are the most critical issues facing cities and counties currently. Increased funding for programs is needed.

POSITION: The City of Coconut Creek **supports** legislation that provides increased support to municipalities for transportation choices and allows flexibility in the use of those funds. The City of Coconut Creek also **supports** legislation that addresses the following Broward County Metropolitan Planning Organization priorities:

- The creation of a federal infrastructure bank and ensuring that funds are eligible for direct allocation to MPOs.
- Ensuring the long term sustainability of the Transportation Investment Generating Economic Recovery (TIGER) Grant program by increasing yearly allocations above the current \$500 million.
- Securing funding levels through the appropriations process for the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) that are consistent with funding levels allocated by the FAST Act.
- Promoting passage of the *Metropolitan Planning Enhancement Act*, sponsored by Rep. Lois Frankel, which would reward high performing MPOs like the Broward MPO with additional funding.
- Establishing a revolving fund to be utilized by metropolitan planning organizations to advance the use of federal funds prior to reimbursement from USDOT. (BMPO 2017, BLC 2016)

B. Public Right of Way and Utility Easements Management

BACKGROUND: The reliability and continuous availability of communications services such as telecommunications, telephone, cable television, broadband, internet, and other communications services will be enhanced by locating the lines, wires, and other facilities that are used to provide those services in underground conduit or on the strongest available overhead poles *in a timely manner*. This includes poles that are installed by electric and/or telecommunication utilities pursuant to applicable rules of the Florida Public Service Commission or pursuant to a utility's own initiatives to strengthen the utility's facilities against potential damage from hurricanes, tropical storms, severe thunderstorms, and other severe weather events.

The City of Coconut Creek has created a proposed bill to enforce the timeline for the transfer of phone, TV and other telecommunication (providers') aerial lines from old wooden poles that have been scheduled for removal to new "hardened poles" or underground conduits.

When FPL removes their aerial lines from old wooden poles, FPL cuts the poles to an elevation right above the remaining utilities providers' aerial lines. Said cut poles are commonly known as stub poles. In most cases, the remaining utilities providers do not transfer their aerial lines to the new "hardened poles" or underground conduits in a timely fashion, leaving the old unsightly and unsafe wooden stub poles standing for months and sometimes years. This proposed bill limits the time for the transfer of the remaining providers' aerial lines and removal of old stub poles to 18 months. If the timeline is not met then governmental entities including cities will have the right to deny permits to the non-compliant providers, which can affect their operation.

POSITION: The City of Coconut Creek **supports** legislation that would require providers of telecommunications, telephone, telegraph, cable television, broadband, internet, and other communications services to *timely* transfer their facilities onto strengthened utility poles or underground conduits whenever such facilities are available and to timely remove older poles and stub poles.

C. Multimodal Opportunities (New)

BACKGROUND: Florida Statute provides limits on the use of limited access roadway facilities. Specifically, State Uniform Traffic Control, Chapter 316, Florida Statutes, regulates limited access facilities including Florida's Turnpike and the Sawgrass Expressway. This statute requires the department of transportation to conduct a two-year pilot program, in three separate urban areas, for multimodal uses such as bicycle paths to be included in the rights of way of these facilities. (The limited access pilot program had two projects in Miami-Dade County, one of which was the Julia Tuttle Causeway, and one was in Brevard County.)

This statute should be expanded to provide multimodal opportunities in more than three (3) separate urban areas, as this limits the opportunities for expansion of multimodal improvements statewide.

POSITION: The City of Coconut Creek **supports** an amendment to Chapter 316, State Uniform Traffic Control, Florida Statutes to expand multimodal opportunities within these rights of way.

V. Urban Administration

A. Economic Development

BACKGROUND: Over the past two years, the Florida Legislature has focused on economic development as a way to restart Florida's economic engine and create more jobs. As part of this effort, the Florida Department of Economic Opportunity was created with the sole purpose of coordinating economic development efforts to ensure Florida has a thriving climate for businesses that seek to start, relocate or expand in Florida.

POSITION: The City of Coconut Creek **supports** legislation that dedicates to small businesses state economic development resources emphasizing access to capital and public infrastructure.

B. Recovery Residences (Updated from 2015)

BACKGROUND: Recovery Residences / Sober Homes may be defined as a residential dwelling unit, or other form of group housing, that is offered or advertised through any means, including oral, written, electronic or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free and drug-free living environment.

These recovery residences / sober homes are not currently licensed or regulated and many of the operators of these homes are not licensed service professionals. Several cities throughout the State have been experiencing increasing problems with recovery residences / sober homes due to this lack of oversight. These homes are marketed as places where recovering addicts can come to "sober up" and be slowly phased back into society while getting treatment for their addiction. Lately however, cities have seen a proliferation of self-proclaimed "sober homes" that are run by unscrupulous landlords who are exploiting patients in order to make a profit. The operators of these illegitimate sober houses often advertise on the internet as offering treatment on-site or providing transportation to off-site treatment facilities. Once residents arrive, they find that no treatment is offered and that there is very little oversight by the owners of the sober home. Instead, residents are free to do whatever they choose, which for many means to hit the streets to find drugs or alcohol. Law enforcement officials have seen increases in crime and homelessness in neighborhoods where these sober homes have located. Residents of these neighborhoods have reported an increase in burglaries, panhandling, and even some instances where the sober house operators are openly using or selling drugs out of the recovery residence / sober house.

POSITION: The City of Coconut Creek **supports** legislation that defines and establishes statewide minimum regulatory standards for "recovery residences" as well as legislation that prohibits deceptive marketing practices related to recovery residences. (BLC 2016)

VI. Public Safety

A. Firearms

BACKGROUND: In 2011, the Florida Legislature passed an amendment that eliminated a local government's ability to regulate firearms, including any local regulations on the ability to carry a handgun or concealed weapon into a public building or park. (Section 790.33 of the Florida Statutes) The City believes that it should have the right to regulate firearms locally to protect its citizens and should have the right to prohibit any person to openly carry a handgun in public or carry a concealed weapon or firearm into any government building or park. In addition, due to the senseless killings that have resulted because of the legalization of assault weapons, the City

supports the ban of these weapons and legislation that requires the purchase and ownership of all guns to be registered and licensed.

POSITION: The City **supports** legislation that addresses the following:

- Repeals the 2011 amendment that eliminated local governments' ability to regulate firearms;
- Legislation that requires the purchase and ownership of a gun be registered and licensed;
- Legislation that would ban assault weapons, automatic weapons, and large external magazine weapons and ammunition;
- Legislation that would prohibit any person, other than law enforcement officers, to carry a weapon or firearm into any government facility or park.

B. Text Messaging / Cell Phone Use While Driving

BACKGROUND: Distracted driving, including the use of cell phones, is a major contributor to automobile accidents. Between 4,000 and 8,000 accidents related to distracted driving occur daily in the U.S. In a year, they contribute to as many as one-half of the six million U.S. accidents reported annually. Last year the Legislature passed a tempered version of a texting while driving ban. First, the offense is only secondary, meaning one must be pulled over for another violation before being issued a ticket for texting. Second, phone records cannot be accessed except in the case of a serious accident.

POSITION: The City of Coconut Creek **supports** strengthening the legislation prohibiting text-messaging while driving from a secondary offense to a primary offense, or otherwise restricting the use of non-handsfree wireless communications devices while operating a motor vehicle.

C. Smoking in Municipal Playground Areas and Ballfields

BACKGROUND: On July 1, 2003, smoking was banned statewide in nearly all enclosed workplaces in Florida, with the exception of private residences, retail tobacco shops, designated smoking rooms in hotels/motels, stand-alone bars with no more than 10% of revenue from food sales, rooms used for quit-smoking programs and medical research, and designated smoking areas in customs transit areas under the authority of the U.S. Department of Homeland Security. Local governments are preempted from regulating smoking. HB 309 would alter the preemption clause contained in the Florida Clean Indoor Air Act (F.S. 386.209) to allow counties and municipalities to restrict smoking on specific properties, namely playgrounds.

Last session, unfortunately, no legislation was filed to address smoke-free zones, however a bill that would have repealed the preemption on local regulations of smoking was filed in the House and Senate but did not receive a hearing in either Chamber.

POSITION: The City of Coconut Creek **supports** revising Section 386.209, F.S, authorizing a municipality or county to restrict smoking in playground areas and ballfields that are owned by the municipality or county if the area where smoking is restricted is clearly delineated by "No Smoking" signs.

D. Electronic Smoking Devices

BACKGROUND: The use of electronic-cigarettes and other vapor producing devices have risen in popularity and the City Commission expressed a desire to address this issue in July, 2014, when the Commission approved, by consensus, a zoning in progress related to the location of businesses that cater to the retail sale including onsite use of such products. There was also direction given at that time to have staff come back with an ordinance to address the act of smoking electronic cigarettes in places where smoking traditional cigarettes is prohibited. This ordinance, passed on February 12, 2015, furthers the City's commitment to protecting the health, safety, and welfare of its residents by prohibiting the use of electronic smoking devices in traditionally smoke-free locations such as day care centers, schools, libraries, indoor enclosed workplaces, and city owned or controlled buildings, structures, outdoor seating areas, and / or public transit stations / stops.

Legislation that addressed electronic smoking devices was not pursued this year, however, as noted above, a bill that would have repealed the preemption on local regulations of smoking was filed in the House and Senate but did not receive a hearing in either Chamber.

POSITION: The City of Coconut Creek **supports** legislation permitting local regulation regarding the smoking of electronic smoking devices.

E. Controlled Substances

BACKGROUND: Synthetic drug products, which mimic the pharmacological effects of amphetamines, cocaine, ecstasy, and other illegal drugs but can be easily purchased in gas stations, convenience stores, etc., have been a national problem for the past several years. During the 2011 Legislative Session, the Florida Legislature passed HB 39 and HB 1039 which added 11 synthetic cannabinoids or synthetic cannabinoid-mimicking compounds to Schedule 1 of Florida's controlled substance schedule, allowing law enforcement officials and prosecutors to arrest and prosecute for the possession and sale of those particular substances. Following the passage of HB 39, rogue chemists reconfigured the particular synthetic cannabinoids and synthetic cannabinoid-mimicking compounds made illegal by HB 39, and marketed new products that were not illegal under Florida law.

During the 2012 Legislative Session, the Legislature passed HB 1175 which added dozens of additional synthetic cannabinoids, synthetic cannabinoid-mimicking compounds, and synthetic stimulants to Schedule 1 of the Florida's controlled substance schedule. Once again, in 2015, drug designers and chemists made an effort to circumvent the law by reconfiguring the molecular structure of the outlawed compounds, resulting in a similar structure, make-up and effect, but with new and different chemical compounds not listed as controlled substances. Similar to unregulated synthetic compounds, a new drug known as "Kratom" is rising in popularity throughout South Florida. Kratom is an addictive substance with opiate properties sold at gas stations and convenience stores and abused for its pain-killing and hallucinogenic effects. Kratom falls within the same statutory loophole as synthetic drug products and is currently not regulated in the State of Florida or in Broward County, and can therefore be sold and abused legally with dangerous implications for public safety. While the City can pass ordinances to ban the sale of the substance, the City recognizes the issue as a statewide problem that must be addressed as quickly as possible.

The Legislature this past session unanimously passed a bill to add 12 new substances and six general substance classes to the list of substances that are classified under Schedule I. The bill is an annual effort to keep statutes up to date with the ever changing chemical components of synthetic drugs. The Governor has signed the bill into law. Unfortunately, a bill to add Kratom to the

list of controlled substances died after not being heard in its second Senate committee and third House committee.

POSITION: The City of Coconut Creek **supports** legislation adding newly configured chemical compounds intended to be sold as synthetic drugs, including Kratom, to the Schedule 1 list of the Florida controlled substance schedule.

VII. Education

A. Advance Notification to Municipalities of Charter School Sitings

BACKGROUND: While a Charter School package was passed by the Legislature in 2015 to strengthen the accountability and transparency of Charter School operations, it did not specifically contain any advanced notification provisions. Additionally, the bill provided no clarification of Charter schools being subject to developmental regulations.

POSITION: The City of Coconut Creek **supports** revisions to Section 1002.33, F.S., to require that charter schools identify the proposed location of their facility in their charter school application, and present evidence from the municipality or county with land use and zoning jurisdiction that the proposed facility meets all applicable local comprehensive plans and land development regulations. The City also **supports** clarification that charter schools are subject to local land development regulations and are not covered by the partial exemption from such regulation for school board operated public schools in Section 1013.33(10)-(15), F.S.

B. Graduation Rates

BACKGROUND: Broward County's high school graduation rate dropped slightly from 76.4% in 2012 to 75.3% in 2013. In 2014, Broward County's high school graduation rate dropped again to 74.20%. However, in 2015 the rate increased to 76.6%.

POSITION: The City of Coconut Creek **supports** state funding for initiatives and other innovative programs to increase graduation rates.

VIII. Legislative Watch List

- A.** Public Records Legislation (including legislation affecting personnel records)
- B.** Building Codes
- C.** Workers Compensation (Chapter 440)
- D.** Heart/Lung Bill (112.18)
- E.** Florida Retirement System
- F.** Relocation of Public Utilities out of the Right of Way
- G.** Municipal Elections
- H.** Complete Streets
- I.** Opioids/Fentanyl