

City of Coconut Creek State Legislative Agenda 2018



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City of Coconut Creek 2018 State Legislative Agenda

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Organizations Referenced in this Document:

- FLC* – Florida League of Cities
BLC – Broward League of Cities
BMPO – Broward Metropolitan Planning Organization



City of Coconut Creek Florida 2018 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.

The 2017 legislative session saw several bills proposed to preempt Municipal Home Rule. CS/HB 17 and SB 1158 would have effectively preempted to the state the authority of municipal governments to impose local requirements on businesses, professions, commerce, and trade. In addition, numerous other bills were filed that would have restricted self-government with regard to: building and land use; small-cell wireless; Community Redevelopment Agencies (CRAs); municipal elections; medical marijuana; local business taxes; and stormwater and wastewater management, to name a few. For this legislative session, the Constitutional Review Commission (CRC) has proposed Proposal 61 to create a transparent process for the Legislature to use when Home Rule authority of cities and counties will be preempted.

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. (BLC 2017, FLC 2018)

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. The Constitutional Review Commission (CRC) has proposed this year Proposal 92 to strengthen the State Mandate process by creating a more stringent process for the Legislature to pass an unfunded mandate on cities and counties.

POSITION: The City of Coconut Creek **opposes** unfunded mandates from any level of government. (FLC 2018)

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 FY17, the City of Coconut Creek spent \$34,016 in newspaper advertising costs related to public notices; 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. (BLC 2017)

D. State of Florida Gaming Compact with the Seminole Nation

BACKGROUND: The 2015 federal lawsuit between the State of Florida and the Seminole Tribe resulted in a settlement agreement in July, 2017, which provides that the Tribe is allowed to continue to conduct banked games for the remainder of the compact's 20-year term (until 2030) and the Tribe will continue to pay the state its 3% revenue share.

POSITION: The City of Coconut Creek **opposes** any reduction to the percentage share of revenue paid to the State by the Tribe that is currently distributed to affected local governments.

II. Urban Administration

A. Landfill Regulations (NEW)

BACKGROUND: The City of Coconut Creek is committed to reducing the impact of the Monarch Hill Landfill, formerly known as the Central Disposal Sanitary Landfill, on our community. This landfill, which directly abuts the City, opened in 1965 in what was then a remote section of Broward County. It has grown over the years, is frequented by vultures, pigeons and seagulls, and the odors that have been emitted from the landfill have had a very negative effect on our residents' quality of life. The City is concerned not only with protecting the quality of life of our residents, but also with protecting the water and air quality in the surrounding areas. Numerous legislative attempts have been made to lessen environmental regulations related to the landfill. The landfill is more than 225 feet high, and is a visual blight upon our urban community.

POSITION: The City of Coconut Creek **opposes** any legislation lessening environmental and testing regulations on landfills. The City **supports** additional landfill environmental regulations benefitting air and water quality. The City **supports** additional environmental regulations on urban landfills.

B. Recycling Regulations (NEW)

BACKGROUND: During the 2017 Legislative Session, several solid waste companies proposed amendments to Florida law that would create a limit (10%) on the amount of "contamination" that could be present in the recyclable materials collected from Florida's residents. If the limit was exceeded, the collection companies would be able to reject the recyclable materials and send them to a disposal facility. The Florida League of Cities opposed this effort, along with the Association of Counties. Primary concerns were: (a) the 10% limit was too low and thus unattainable; (b) the limit would be used or abused by the private companies to authorize the disposal of valuable recyclables; (c) local governments would pay more for disposal costs; (d) local governments would lose revenues from the sale of recyclables; and (e) the recycling rates in cities and counties would fall. The solid waste companies have a legitimate problem, because recycling containers and loads contain significant amounts of contamination. While the 2017 proposal would have helped the solid waste companies, it would have created other problems for local governments.

The League has advised cities that based on feedback from “a solid waste representative,” this proposal will be revisited in the 2018 legislative session. The new proposal would limit contamination to 15% instead of 10%, and would prohibit cities and counties from requiring the recycling of materials for which there is no viable market. The City contends that there is always a viable market and is concerned with who would determine what a viable market is. It is also our concern that a contamination limit of 15% would virtually eliminate all single stream recycling, which appears to be the intent of this legislation. Finally, we contend that if a municipality wants to negotiate a processing agreement with a certain percentage of non-recyclables, it should be within their purview to do so.

POSITION: The City of Coconut Creek strongly **opposes** any legislation that would lessen recycling efforts or recycling requirements in the State of Florida.

C. FDOT and the Florida Turnpike Enterprise (NEW)

BACKGROUND: The Florida Department of Transportation completed a PD&E study in 2006 of a proposed expansion of the Florida Turnpike in Coconut Creek from six (6) lanes to eight (8) lanes. However, the project was suspended in 2007 during the design phase due to the economic recession and utility concerns. In 2017, the project has been reactivated with a significantly larger scope, a shift to the west, widening to ten (10) lane3s instead of eight (8), and increasing electronic tolling, all of which will have a tremendously negative impact on elderly and minority populations in the City of Coconut Creek. FDOT’s process has only allowed for limited public participation and has largely ignored public concerns surrounding the impact the expansion has on the community, including those expressed by our City Commission, County and State elected representatives, and the public. Additionally, the proliferation and focus on increasing toll lanes has been shown to have a negative impact on local communities in some areas, as it can increase congestion and case economic burdens on local commuters.

Additionally, the Florida Department of Transportation has various design standards that are used in developing roadway plans. Variations and or Exceptions to these standards for design elements such as border widths are often justified based on cost and the unavailability of right-of-way. The Florida FDOT and FTE have recently been delegated the approval authority over the PD &E process (NEPA) for design and construction of roadways. Recognizing the built out character of south Florida and the changing nature of transportation, including autonomous vehicles, it is imperative the FDOT and FTE increase their public transparency related to projects.

POSITION: The City of Coconut Creek **supports** legislation requiring FDOT and the Florida Turnpike Enterprise to increase transparency, public participation, and consideration of the impacts on local communities and local commuters during the planning, development, design and construction process of any proposed projects that would add toll lanes. The City **supports** legislation that requires that in the instance of limited access roadway facilities, FDOT authority to remove these borders through design variations will require just compensation to adjacent property owners who are impacted. The City of Coconut Creek **supports** legislation that would nullify any PD&E study that is more than 5 years old and would require that the analysis and the public involvement be conducted from a fresh perspective. In addition, any project that has significant changes to the design, alignment, interchanges and/or capacity should be required to undergo a new PD&E process.

D. Recovery Residences

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 required to be licensed or certified 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. Some 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. In Broward and Palm Beach Counties alone, there have been over 47 arrests in the last year for patient brokering and insurance fraud. 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 establishes statewide mandatory minimum regulatory standards for all “recovery residences” to protect the residents of the homes from exploitation and abuse as well as rule changes to provide for state-wide consistency in the application of life safety code requirements. (FLC 2018)

III. 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 following important revenue sources:

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 (CST). The local Communications Services Tax is one of the main sources of general revenue for municipalities, generating approximately \$700 million every year for cities and counties. The City of Coconut Creek receives approximately \$2.0 million each year in revenue from the CST. These revenues may be used for any public purpose, including pledging the revenues to secure bonds. Unfortunately, the CST is an impaired revenue source that is declining due to changes in technology, consumer behavior, complications with collections, and a recent court ruling that held the law was discriminatory by treating certain telecommunications differently. The Florida League of Cities adopted a priority for the 2018 Legislative Session that would encourage the Legislature to address the issues associated with the tax without harming local government revenues.

POSITION: The City of Coconut Creek **supports** the Florida League of Cities' priority of reforming the Communications Services Tax in a way that is revenue neutral in order to improve reliability, stability, and equality without harming local revenues. (BLC 2017, FLC 2018)

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 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. (BLC 2017)

3. Impact Fees Protection

BACKGROUND: Impact fees and transportation concurrency 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 concurrency 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 concurrency, or to make it easier to prevail in a legal challenge to an impact fee.

Important to note is that it is not just the ability to collect impact fees that the City supports, but also Home Rule over the time at which we are able collect these fees. Proposed legislation for 2018 includes SB 324, which would prohibit local governments from collecting impact fees prior to the issuance of a certificate of occupancy for the property that is subject to the fee.

POSITION: The City of Coconut Creek **opposes** legislation that restricts a municipality's Home Rule authority to set impact fees or transportation concurrency and for restrictions regarding when it may be collected. (BLC 2017)

B. 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.

C. 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 that would accomplish the Legislature's goal of increasing transparency in reporting without imposing a significant financial burden on local governments.

D. SHIP Funding

BACKGROUND: Over the past decade, Florida's housing market was one of the hardest hit in the country, and Florida's cities were at ground zero. Cities not only had to face a record number of foreclosures, but they 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.

E. 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. Additionally, the City **supports** maintaining or expanding current local economic tools.

IV. 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.

In 2016, the State Environmental Regulation Commission (ERC) narrowly approved controversial, new water quality standards that would allow for higher levels of certain nutrients and chemicals in the state's waters despite significant opposition from local governments and environmentalists. Furthermore, the ERC acted with two vacancies on the Commission, one vacancy for the environmental representative and one vacancy for the local government representative, as the Governor failed to appoint replacements to the board prior to the vote on the new Agency standards. This resulted in local governments not having as powerful of a voice in the decision as the law intended. Broward County is supporting a lawsuit filed by the Seminole Tribe against the State that is seeking to invalidate the new standards.

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.

The City of Coconut Creek **supports** HB 203 and SB 316, which would require the Governor fill vacancies on the ERC within a specified timeframe in order to ensure participation by local governments and all parties in important decisions that impact our environment.

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.

C. Water Quantity

BACKGROUND: The 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 was seeking backing in funding and commitment last year. This past year, as part of SB 10, the South Florida Water Management District (SFWMD) were authorized to begin exploring the possibility of forming a public private partnership with the owners of the reservoir.

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

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.

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. (BLC 2017)

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, and was initially approved for, a permit to perform exploratory oil drilling in late 2017. The residents of the City of Coconut Creek depend upon the Biscayne Aquifer as a source of drinking water, which this project could have jeopardized. The drilling project could also have harmed 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. The City learned this week that the Florida Department of Environmental Protection (FDEP) denied this permit. While the FDEP protected the Everglades against this particular project at this particular time, the City of Coconut Creek is concerned with the future possibility of a regulatory agency approving a similar project.

POSITION: The City of Coconut Creek **supports** legislation which would ban or tighten restrictions on any oil drilling 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.

V. Growth Management and Transportation

A. 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. The City of Coconut Creek also **supports** legislation that would increase the resiliency of utilities in cases of natural disasters, such as undergrounding and hardening.

B. Utility Work Exemption from Development/Transmission Line Siting (NEW)

BACKGROUND: Last year, two bills, SB 1048 and HB 1055, would have revised the statutory definition of "development" in Chapters 163 and 380, and would have revised statutory provisions applicable to transmission line and power plant siting. Under current law, activities that do not constitute "development" are not required to obtain development order approval. Currently, work or construction by a water or gas utility on established rights-of-way are exempt from the definition of "development." The bills would have added electric utilities to this exemption, and would have also included within the exemption work by water, gas and electric utilities in established "corridors" and "to be established" corridors and rights of way. In addition, the bills would have required the State Siting Board to consider specified variance standards when imposing conditions for certification of power plants and transmission line corridors. Finally, the bills would have specified the Public Service Commission has exclusive jurisdiction to require underground transmission lines. SB 1048 died in Senate messages. HB 1055 died in committee.

This year two bills, SB 494 and HB 405, are seeking to amend the exemptions from current law "development" and revise statutory provisions applicable to transmission line and power plant siting. "Development," as defined in state law, must comply with various state and local regulations, including local government comprehensive plans and development permits. There are various exemptions from the statutory definition of development, including an exemption for work by any utility engaged in transmission and distribution on established rights of way to construct pipes, cables,

power lines, poles, etc. The bills specify this exemption also applies to rights of way and corridors yet to be established, and to the creation of distribution and transmission line corridors. The bills also specify the standard to be used in authorizing variances in a site certification under the Power Plant Siting Act and Transmission Line Siting Act. Finally, the bills provide that the Siting Acts cannot affect the Public Service Commission's exclusive jurisdiction to require transmission lines to be located underground.

POSITION: The City of Coconut Creek **opposes** any legislation seeking to increase exemptions from current law, regulatory standards, or procedures regarding transmission line and power plants siting. (FLC 2018)

C. Transportation Funding

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. (BLC 2017, FLC 2018)

D. Multimodal Opportunities

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.

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. Recently passed legislation prohibits texting while driving as a secondary offense, meaning one must be pulled over for another violation before being issued a ticket for texting. Additionally, 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. SB 562 would authorize municipalities to restrict smoking within the boundaries of public parks.

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 of 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, furthered 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 daycare centers, schools, libraries, indoor enclosed workplaces, and city owned or controlled buildings, structures, outdoor seating areas, and / or public transit stations / stops.

POSITION: The City of Coconut Creek **supports** legislation banning electronic smoking devices anywhere smoking is banned. 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. This cycle has occurred each year since, with the Legislature passing legislation adding additional synthetic cannabinoids, synthetic cannabinoid-mimicking compounds, and synthetic stimulants to Schedule 1 of the Florida's controlled substance schedule, and drug designers and chemists making efforts 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.

POSITION: The City of Coconut Creek **supports** legislation adding newly configured chemical compounds intended to be sold as synthetic drugs 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. Last year, The House and Senate agreed upon charter school land use and zoning language as part of a budget conforming bill. The language allows a facility that is exempt from ad valorem taxes (i.e. a library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, or university facility) to provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

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% in 2012, to 75% in 2013, and then to 74% in 2014. However, in 2015 the rate increased to 77%, and in 2016 the rate increased yet again to 79%.

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.** Fiscal Transparency and Responsibility / Ethics Reform
- D.** Workers Compensation (Chapter 440)
- E.** Heart/Lung Bill (112.18)
- F.** Florida Retirement System
- G.** Municipal Elections
- H.** Complete Streets
- I.** Post Hurricane Relief Efforts (new)
- J.** Synthetic cannabis and bath salts (new)
- K.** Fentanyl (new)