

Pinellas County

*315 Court Street
Clearwater, Florida 33756*



Minutes - Final

Tuesday, December 12, 2017

10:00 AM

Joint Session with the Pinellas County Legislative Delegation

Clerk's Conference Room, 4th Floor

Board of County Commissioners

*Janet C. Long, Chairman
Kenneth T. Welch, Vice-Chairman
Dave Eggers
Pat Gerard
Charlie Justice
John Morroni
Karen Williams Seel*

Roll Call - 10:02 A.M.

Members Present:

Board of County Commissioners (BCC) - Janet C. Long, Chairman; Kenneth T. Welch, Vice-Chairman; Dave Eggers; Pat Gerard, and Karen Williams Seel.

Pinellas County Legislative Delegation - Representative Chris Latvala, Vice-Chair; Representative Larry Ahern; Senator Jeff Brandes; Representative Ben Diamond; Representative James Grant*; Senator Jack Latvala; Representative Wengay Newton*; Representative Kathleen Peters*; and Representative Chris Sprowls*, Vice-Chairman.

Not Present: Commissioners Charlie Justice and John Morroni and Senator Darryl Rouson, Chairman.

Also Present: Jewel White, County Attorney; Mark S. Woodard, County Administrator; other interested individuals; and Tony Fabrizio, Board Reporter, Deputy Clerk.

* Late arrival

1. Welcome

Chairman Long called the meeting to order, noting that some members of the Delegation informed her that they would be late; whereupon, she recognized a visiting contingent of government officials from Macedonia. At her request, those in attendance introduced themselves.

Mr. Woodard welcomed the Delegation and visitors and previewed the meeting, relating that the annual joint session provides the County an opportunity to present its legislative priorities and engage with its legislators on appropriations requests.

2. Pinellas County Construction Licensing Board - Update

At Mr. Woodard's request, due to the delayed arrival of Representative Peters, Chairman Long agreed to move the item to later in the meeting.

Later in the meeting, Representative Peters referred to a bill she has submitted (House Bill 1137) that would reform the Pinellas County Construction Licensing Board, indicating that she has reservations about whether it will be heard, and requested support from Representatives Sprowls and Grant; whereupon, Representatives Sprowls and Grant related that they plan to support the bill.

3. Tourist Development Tax - Update

Senator Brandes discussed a bill he has sponsored (Senate Bill 658) proposing the expansion of allowable uses of Tourist Development Tax (TDT) dollars to include certain infrastructure with a life expectancy of more than five years. Responding to queries

by Chairman Long and Commissioner Welch, he indicated that allocations for such a purpose would be recommended by the Tourist Development Council to the BCC; that projects would need to have a bonafide tourism nexus; and that as the bill is a work in progress, language will be added to assure that analysis is done to weigh the tourism value of capital projects versus marketing spending.

Chairman Long referred to the County's TDT plan allocating 60 percent of the tax proceeds for marketing and the operations of Visit St. Petersburg/Clearwater and 40 percent for capital projects and, noting that she is also the Chairman of the Tourist Development Council, commented that she favors the bill and supports expanding the eligible uses of the tax revenue to include transportation solutions that are specific to tourism, such as transit from Tampa International Airport to Clearwater Beach. Responding to her query, Senator Brandes indicated that his bill proposes flexibility that would allow such a use.

Statewide Alternative Transportation Authority

At Chairman Long's request, Representative Grant discussed a bill he has co-sponsored (House Bill 535) proposing the creation of a Statewide Alternative Transportation Authority within the Department of Transportation to oversee and provide funding for alternative transportation systems. He related that the bill has cleared its first committee; and that it would reallocate \$60 million in documentary stamp taxes to the new Authority that are currently directed to Florida Rail Enterprise; whereupon, he explained that the bill's proponents believe that fixed rail is too expensive, inflexible, and challenging in communities with as much sprawl as the Tampa Bay area; and that investments should be made in systems such as autonomous vehicles, ride-share, Bus Rapid Transit, and dedicated lanes. Chairman Long commented that she is looking forward to having a deeper conversation with him on the subject, and hopes that he is keeping up with the activities of the Tampa Bay Area Regional Transit Authority (TBARTA), and Representative Grant responded that he is.

4. Overview of County's Legislative Program

Intergovernmental Liaison Brian Lowack referred to a document titled Pinellas County Board of County Commissioners 2018 Legislative Program, a copy of which has been made part of the record, and discussed certain items listed under Adopted State Legislative Priorities.

Beach Nourishment

Mr. Lowack thanked Senator Latvala and Representative Peters for their support of beach nourishment funding and noted that the County supports their respective bills (Senate Bill 174 and House Bill 131) proposing the appropriation of a minimum of the lesser of 7.6 percent from the Land Acquisition Trust Fund or \$50 million annually to projects that preserve and repair the state's beaches.

Community Redevelopment Agencies

Mr. Lowack related that the Board opposes efforts that would preempt local governments from controlling or managing Community Redevelopment Areas (CRAs) as local economic development tools, noting that the Board opposes a provision in House Bill 17 sponsored by Representative Jake Raburn that would require a county or municipality to petition the Legislature by resolution to create a new CRA, but that it supports provisions in that bill and in Senate Bill 432 by Senator Tom Lee that would require increased requirements for CRA lobbyists and members to improve transparency.

Local Tax Referenda

Mr. Lowack indicated that the Board opposes proposals (in Senate Bill 272 and House Bill 317) that would raise the approval threshold for local tax referenda to 60 percent for passage when the item is placed on the ballot in any election other than a general election, and discussion ensued.

Attorney White related that there is confusing language in the statute that governs the referenda and imposition of the tax; and that she can provide language to address the issue if the Legislature is going to revise the statute anyway, and Senator Brandes thanked her. Responding to a request for clarification by Representative Sprowls as to what the Board opposes, Attorney White responded that her understanding is that the 60-percent threshold for passage is only imposed for off-cycle elections, and Representative Sprowls confirmed that that is correct. Later in the discussion, Commissioner Gerard commented that if the threshold is raised, it should be applied only for off-cycle elections.

Commissioner Welch related that the Penny for Pinellas referendum recently passed by its highest approval rate ever, 83 percent, but that in its previous renewal in 2007, it passed by 57 percent and, therefore, would not have met the 60-percent threshold. Representative Sprowls indicated that the aim of the bills is to garner as much voter buy-in as possible; and that it is possible that the Legislature could separate out the two components of the bills and require that surtax referenda only be included in general elections. Commissioner Welch commented that this is an issue for a future Board to consider since the Penny for Pinellas has already been approved for another ten years.

Affordable Housing Trust Fund

Mr. Lowack related that the County supports proposals (Senate Bill 874 and House Bill 191) that prohibit funds from the Sadowski Affordable Housing Trust Fund from being used for any purpose other than housing, as well as efforts to add the State Housing Trust Fund and Local Government Housing Trust Fund to the list of trust funds exempt from the transfer of unappropriated cash balances to the Budget Stabilization Fund and General Revenue Fund.

Regional Transportation

Mr. Lowack indicated that the County supports a proposal (House Bill 2451) that provides a non-recurring appropriation of \$1 million to TBARTA for its Regional Transit Development Plan.

5. Appropriations Requests

- Solar-Powered Traffic Signals Pilot Project (No Sponsor)
- Emergency Generators for Pump Stations (No Sponsor)
- Lealman Community Recreation Center (Sen. Brandes/ Rep. Diamond)
- Wasterwater/Stormwater Inflow and Infiltration Study (Sen. Brandes/ Rep. Diamond)
- Interconnected Pinellas (Sen. Brandes/ Rep. Grant)
- Lake Seminole Dredging Project (Sen. Brandes/ Rep. Ahern)
- Small Business Incubator (Sen. Brandes. Rep. Diamond)

Mr. Lowack related that two of the appropriations requests listed in the *2018 Legislative Program* do not have sponsors; and that the County is asking that they be pursued if funds become available.

Responding to a request by Chairman Long for an update on the City of Tarpon Springs Anclote River Channel Dredge project, Representative Sprowls indicated that he and Senator Latvala included an appropriation for it this year, but it was vetoed by the governor; and that they are now attempting to get it funded as an infrastructure project through the Department of Economic Opportunity's Florida Job Growth Fund. Chairman Long stated that she hopes they will continue pushing the project forward, as it is an important one to the affected community.

Mr. Woodard discussed the two appropriations requests that lack sponsors, relating that both stem from lessons learned from Hurricane Irma. He related that the first request is \$300,000 for solar powered traffic signals, explaining that widespread power outages after the hurricane left more than half of the County's traffic signals nonfunctioning, causing a serious public safety concern and requiring 24/7 monitoring by law enforcement.

Responding to queries by Representatives Diamond and Sprowls, he indicated that the proposed pilot program would be the first in the state, to his knowledge; and that the technology would likely work because the County has retrofitted all of its signalized intersections to LED technology, which draws a fairly small amount of power.

Representative Diamond stated that he is intrigued by the technology, noting the value of not having to tie up law enforcement personnel to monitor intersections during outages.

Mr. Woodard related that the second appropriation request lacking a sponsor is \$885,000 for generators to operate the sewer pump stations, explaining that the power outage resulting from Hurricane Irma affected approximately 225 stations on the County's system alone. Responding to query by Senator Latvala as to why the two requests should be funded by the state, Mr. Woodard acknowledged that while Penny for Pinellas proceeds can be used for any infrastructure project with a lifespan of five years or more, most of the

county's municipalities have sewer systems that are funded by customer fees. Responding to a follow-up query by Senator Latvala, Mr. Woodard indicated that the County does not make a profit from customer fees, but rather generates a revenue stream that is sufficient to cover operating and maintenance costs and the expense of replacing infrastructure. Commissioner Seel commented that unlike the arrangement in other Counties, customer fees collected in Pinellas County stay in the Surface Water Utility Fund.

Mr. Woodard thanked the Delegation for the \$2 million appropriation granted last year for the Lealman Community Center and discussed the County's request for an additional \$2 million this year; whereupon, he provided an update on the County's progress toward acquiring the former Windsor Preparatory Academy to convert into the Center, noting that he plans to make a formal recommendation to proceed with the purchase at today's regular BCC meeting.

6. Open Discussion

TDT and CRA Legislation

Commissioner Eggers requested clarification on how close the Legislature is to making changes to the statutes that regulate TDT funds and CRAs, and discussion ensued. Senator Brandes explained that the proposed TDT legislation does not restrict the use of TDT dollars, but rather allows them to be used for additional purposes; and that since the TDC best understands tourism market needs, it should be allowed to make reasonable recommendations to meet those needs. He indicated that the Restaurant and Lodging Association has expressed concern that some TDCs may abuse any additional authority given them and wants assurances that a majority of TDT dollars go to tourism marketing, and that legislators will continue to negotiate with the group.

Senator Brandes related that the CRA legislation is a work in progress, noting that it did not make it through the Senate last year; and that it is too early to predict what the revised legislation will look like by February. Responding to query by Representative Sprowls, Commissioner Eggers indicated that the Board's concern pertaining to CRA legislation is that it would create restrictions that do not currently exist; whereupon, responding to Representative Sprowls' request for specific objections, Mr. Woodard provided historical background information about how the County uses CRAs and Tax Increment Financing and related that the Board would be opposed to restrictions on people-based investments.

Representative Sprowls clarified that the proposed legislation is intended only to add transparency to the CRA management and identify "bad actors," and requested that the County provide him with any language in the bill that would restrict community-based programming. Commissioner Welch responded that the assurance that the focus of the legislation relates to transparency has eased his concerns; whereupon, he commented that the South St. Petersburg and Lealman CRAs were the first in the county aimed at reducing poverty; and that the way to reduce poverty is to provide jobs.

School Nurses

Chairman Long discussed the County's implementation of a pilot program that places a nurse in all public schools, opining that the program should be sustained and expressing concern that the County may not be able to fund it in the future if the additional Homestead Exemption passes next November. Commissioner Seel requested that the Delegation consider attempting to fund the program statewide through an increased allocation to each county's Department of Health, noting that Pinellas County is not unique in having medically fragile children, and opining that having nurses on duty could help school systems address mental health issues.

Discussion ensued, and Senator Latvala commented that he has doubts that the Homestead Exemption will pass, citing his conversations with various groups, the 60-percent threshold for passage, and the limited number of people who would benefit from it. Later in the meeting, Property Appraiser Mike Twitty commented that Senate Joint Resolution 136 proposing changes that would reduce the tangible personal property tax on manufacturing equipment could have a bigger impact on county tax revenues than the proposed Homestead Exemption increase. Discussion ensued, and Chairman Long asked the lawmakers to watch the legislation.

Public Defender Program

Public Defender Bob Dillinger discussed a County-funded pilot program that has provided case managers/social workers for the Juvenile Crossover Program, explaining that the aim is to provide foster children in the program with stability that they were not receiving from outside providers, and to show the County, state, and Juvenile Welfare Board that the children will fare better when there is not a high turnover of case workers. In response to queries by Representative Peters, Mr. Dillinger indicated that the rate of addiction by parents of foster children in the program is 80 to 90 percent, noting that the culprit is methamphetamines in Pasco County and opioids in Pinellas County; and that more mental health and substance abuse treatment is needed for the parents.

Representative Grant commented that the topic of high turnover comes up in conversations pertaining to several agencies, and it would be helpful if the agencies or County officials could help legislators quantify economic loss. Commissioner Gerard related that in the social services field, a high turnover rate is often due to case managers having caseloads that are too high; whereupon, Representative Grant indicated that it would be helpful to have data to support allocating for additional full-time employees.

Shelter-Ready Schools

Chairman Long expressed concern regarding three new schools in Manatee County that are not being built to double as emergency shelters and proposed that the Legislature mandate that all new schools in the state be built for that secondary purpose. Mr. Woodard

indicated that the Windsor Preparatory School, which the County is purchasing to convert to the Lealman Community Center, is in a non-evacuation zone with Category 3 storm construction and will add 600 shelter spaces to the County's inventory; whereupon, Representative Diamond noted that the nexus with hurricane preparedness could help legislators advocate for the additional requested allocation.

In response to query by Representative Sprowls, Mr. Woodard related that the County was able to accommodate all individuals who sought shelter during Hurricane Irma, but that more capacity is needed to meet the state's standard of 15 square feet per sheltered individual. Commissioner Seel commented that having the Lealman building available for shelter space could be helpful to the special needs population because it would not have to be returned to the school system immediately after a storm.

Praise for Emergency Management Director

Representative Sprowls commented that the members were so impressed with Emergency Management Director Sally Bishop during her testimony to the Delegation that they invited her to Tallahassee to testify on hurricane preparedness; and that she did a fantastic job there as well; whereupon, Chairman Long thanked him for the information.

Medical Examiner Fees

Mr. Dillinger referred to an item listed under *Monitoring Issues* in the *2018 Legislative Program* and expressed his concern pertaining to the Board's opposition to the pre-emption of the ability for medical examiners to charge reasonable fees for services. He related that the City of Jacksonville recently passed an ordinance requiring the Medical Examiner to charge \$500 an hour for services such as depositions and testimony; and that if such fees become a trend, there could be an adverse impact on funding to the Public Defender's and State Attorney's offices because those fees come out of the state's due process funds, which is a primary funding source for those agencies.

Responding to query by Senator Brandes, Mr. Dillinger indicated that he supports the preemption of local governments from passing such ordinances. Representative Sprowls indicated that the Delegation could get some direction on the matter from District Six Chief Medical Examiner Jon Thogmartin, and Chairman Long indicated that she would like the Board to revisit the topic.

(Representative Newton arrived at 11:10 A.M., and Senator Latvala left the meeting at 11:15 A.M.)

7. Public Comment

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and expressed their concerns:

Mark Klutho, Largo, re *The Sixth Extinction: An Unnatural History*
Lenore Faulkner, Madeira Beach, re education excellence
Sharon Calvert, Tierra Verde, re migrating sand and transportation legislation
David Ballard Geddis, Jr., Palm Harbor, re water conservation
Tom Rask, Unincorporated Pinellas County, re "Nanny State agenda" and confused messaging

Representative Grant stated that Ms. Calvert made a good point in requesting that the language be tightened up in the bill proposing a Statewide Alternative Transportation Authority, noting that bills are often improved during the committee process; and that a challenge lawmakers face in crafting transportation legislation is that technology is moving faster than they can. Responding to an assertion by Ms. Calvert that the state should not allocate funds to TBARTA for its Regional Transit Development Plan because there is no forward movement, Chairman Long suggested that TBARTA would be making more progress if not for the cumbersome state and federal processes for funding transportation projects.

Adjournment- 11:25 A.M.