



Florida League of Cities 2018 Legislative Candidate Questionnaire

GENERAL ISSUES

In your opinion, what is the most pressing issue(s) faced by:

- (a) the State of Florida?
- (b) your proposed legislative district?
- (c) the city or cities in your proposed legislative district, if any?

- 1) What do you plan to do as a legislator to help solve these issues?
- 2) List any municipal elected officials you personally know:

HOME RULE

Municipalities are fundamental expressions of local self-government and voluntary self-determination for residents and businesses. Municipalities are established for the specific purpose of promoting the exclusive needs and conveniences of their citizens, as expressed in their municipal charters. In 1968, the people of Florida approved a new state constitution which expressly conferred “home rule” powers upon all Florida municipalities. With home rule powers, Florida’s municipalities did not need to wait for legislative authorization to address local needs. Instead, municipalities can exercise *any* power for municipal purposes, *except* for local taxing authority and when expressly prohibited by state law. It is the primary goal and function of the Florida League of Cities to advocate, protect and advance the cause of **Home Rule**.

- 1) Do you support continuation of broad home rule municipal powers to ensure that municipalities are responsive to the unique needs and preferences of their citizens?
- 2) If elected, would you oppose efforts to preempt municipal home rule powers or otherwise limit the power of local citizens to govern themselves?

UNFUNDED MANDATES

Municipalities have only the taxing authority specifically and explicitly granted by state law or by the Florida Constitution. Unfortunately, many state and federal laws mandate municipalities to implement various laws and programs, but do not provide a funding mechanism to carry out the mandate. While some state legislative mandates may serve a legitimate purpose, unfunded mandates – those that do not come with a funding source – are poor public policy. First, even a good policy or program is undermined if there is no means to pay for it. Second, unfunded mandates mislead the public when a considerable portion of local taxes must be used to support state or federal programs



instead of local priorities. Taxpayers are unable to hold the appropriate government accountable for the true costs of government policies and programs.

- 1) **Do you believe the state government should be required to provide or authorize a source of funding to pay for the cost of implementing state requirements and programs?**
- 2) **Do you oppose efforts to impose unfunded costs and programs on Florida's municipalities?**

FIREFIGHTER CANCER BENEFITS

Current law treats all employees, including firefighters, the same relating to "occupational diseases," like cancer. That is, the employee must establish a connection between his or her job (such as being exposed to toxic substances or smoke) and a health condition related to cancer, to be entitled to workers' compensation and disability pension benefits. Current law also provides firefighters and law enforcement officers, with special protections for occupational or other specified diseases. A disease caused by exposure to a toxic substance is an injury arising out of

employment if there is a preponderance of the evidence establishing that exposure to the specific substance, at the levels to which the first responder was exposed, can cause the disease.

In the past, the Legislature has provided that certain health conditions; such as heart disease, hypertension or tuberculosis; suffered by a firefighter, law enforcement officer or correctional officer are presumed to be work-related. These "disability presumptions" apply to both workers' compensation and disability pension claims. Disability presumption laws are so favorable toward employees that cities and other government employers basically cannot overcome the presumption and show the health condition was not work-related. This means that the state, counties and cities are inappropriately incurring workers' compensation and disability pension expenses.

Currently, approximately 41,500 firefighters are employed in Florida, of which approximately 39,500 are employed by cities, counties and other local governmental entities.

Over the past few sessions, various bills were introduced to create either a cancer disability presumption for firefighters or to mandate specific benefits for firefighters who have received a cancer diagnosis. These bills would have added significant additional expenses to local governments for workers' compensation and disability claims.

- 1) **Would you oppose expanding disability presumption laws to include a cancer disability presumption for firefighters?**
- 2) **Would you support protecting municipalities' authority to negotiate and establish employee benefit levels?**
- 3) **Would you support using a dedicated state funding source to pay for cancer benefits for firefighters?**



VACATION RENTALS

In 2011, the Florida Legislature prohibited cities from regulating short-term vacation rentals. A short-term vacation rental is defined as a property that is rented more than three times a year for less than 30 days at a time. The legislation passed in 2011 included a provision that “grandfathered” any ordinance regulating short-term rentals prior to June 1, 2011. Since that time, a number of cities, both “grandfathered” cities and those that did not have an ordinance in place, have experienced problems with these properties. The effect of the 2011 law is that two separate classes of cities were created respective to short-term rentals, those with Home Rule authority and those without.

In 2014, the Legislature passed SB 356 (Thrasher), which diminished the preemption on short-term rentals. The 2014 law allows local governments to adopt ordinances specific to these rentals so that they can address some of the noise, parking, trash and life-safety issues created by their proliferation in residential neighborhoods. Unfortunately, SB 356 left in place existing statutory language stating that cities cannot “prohibit” short-term rentals or regulate the duration or frequency of the rental.

At its core, this issue revolves around zoning authority. While it is helpful to have other regulatory tools to use to stop problems associated with vacation rentals, the ability to determine where certain types of properties are located is paramount. Some cities may decide that short-term vacation rentals are an incompatible use in single-family neighborhoods because of the many potential impacts on surrounding properties. Unfortunately, cities were stripped of their ability to regulate these properties through zoning, a property right solely enjoyed by short-term rentals.

- 1) **Should cities have their zoning authority restored for vacation rentals to balance the property rights of ALL property owners?**
- 2) **Should cities be able to regulate the length of stay or the numbers of times a vacation rental is rented each year to limit the impact of these properties on single-family residential neighborhoods?**
- 3) **Should the state regulate advertising platforms like Airbnb and HomeAway to ensure that vacation rental owners are complying with current law?**

ECONOMIC DEVELOPMENT

Florida’s cities have long served as the catalyst for job growth in the state. They are constantly developing and strengthening partnerships with local organizations whose primary goal is economic development; providing incentives; utilizing community redevelopment agencies and other programs; reducing fees for businesses; and streamlining permitting processes to help rejuvenate Florida’s economy.

The utilization of community redevelopment agencies (CRAs) is primarily aimed at addressing slums and blighted areas through the use of tax increment financing. By addressing these blighted areas through the creation of a CRA, cities can attract to gentrified areas new businesses that might have otherwise moved to another city or state.



- 1) **Economic development continues to be an important issue in Florida. How would you prioritize Florida’s economic development efforts and what role would municipalities play?**

- 2) **Do you support the ability of locally funded community redevelopment agencies (CRAs) to continue to succeed as catalysts for the improvement of declining urban areas in your communities?**

PUBLIC SAFETY

Protection of public safety is one of the key functions of government. Local governments have limited law enforcement resources, and photo enforcement helps stretch these limited resources. Red light cameras have been proven to deter illegal conduct and increase public safety.

- 1) **Do you support the use of red-light traffic safety cameras by municipal governments to improve public safety?**

Many municipal budgets are stretched to the breaking point. In an effort to ensure public safety, municipalities are looking at new ways of generating revenue to pay for police and firefighter salaries and benefits. One potential revenue stream is the use of special assessments or voter - approved taxes and fees.

- 1) **Do you support providing municipalities the authority to levy additional taxes, fees or special assessments to help fund public safety initiatives?**

MUNICIPAL UTILITIES

The provision of electric, water, sewer and solid waste services are core functions of municipal government. These municipal services are what historically distinguished cities from other forms of local government. Readily available municipal utilities can enhance a community’s quality of life, provide greater local control, improve public health and safety, and increase property values.

Both public and private utilities have high “upfront” capital costs due to the initial investment of equipment and infrastructure. In some cases, a municipality will offer these services to residents and businesses located outside of, but proximate to, the municipality. These “extra-jurisdictional” services are typically negotiated through an interlocal agreement between local governments. Interlocal service agreements allow greater numbers of people to enjoy municipal services, while maximizing the efficiency of the public’s capital investment. Depending on the territory, interlocal services may require a surcharge to help defray any costs associated with extending service lines beyond the municipal boundary.

- 1) **Do you support maintaining municipal authority to enter into or continue to provide electric generation and/or distribution services?**



- 2) **Do you support maintaining a municipality’s ability to impose a surcharge to customers outside the municipal boundaries for providing utility services outside of the incorporated area?**

ENERGY, ENVIRONMENT AND NATURAL RESOURCES

Florida has a complex, multi-layered approach for achieving sustainable and clean water resources that involves federal, state, regional and local components. To protect this resource from irreparable harm, the state, regional and local governments are finding new ways to conserve water, create new sources of water, and improve the quality of water.

Funding for the development of water resources and alternative water supplies is a shared responsibility between water suppliers and users, the state, and water management districts. The state allocates varying amounts of money for water supply development on an annual basis. These monies are further leveraged by local government funding contributions. The passage of CS/SB 552 in 2016 will greatly facilitate intergovernmental cooperation and planning for new and alternative water sources. While these steps are significant drops in a very large bucket, additional fiscal resources will be needed in the years ahead to ensure Florida has a sustainable supply of water to meet its current and future needs.

- 1) **Would you support increased state funding for alternative water supply development or the development of new water resources?**

The federal Clean Water Act requires states to adopt water quality standards that define the amount of pollutants a waterbody may contain. Pollutants can come from “point sources,” such as industrial wastewater discharges, or “non-point sources,” such as agricultural or stormwater runoff. The cost to “fix” existing water pollution is expensive – \$16 billion is estimated for Everglades cleanup alone. It is far more cost effective to prevent pollution from ever reaching a water body.

Municipalities have regulatory and non-regulatory tools to help keep both point source and non-point source pollutants away from water bodies. A city may establish a municipal stormwater utility to provide infrastructure or mechanisms designed to keep pollutants away from water bodies through stormwater detention, retention or treatment. These utilities are funded through stormwater fees paid by local property owners. The fees are apportioned fairly among all property owners and are usually based on a property’s size and use. Unfortunately, some classes of property owners (such as school districts or the Department of Transportation) have sought exemptions from stormwater fees, even though the activities on those properties contribute to stormwater pollution for which the municipality is responsible.

Fertilizer ordinances, which combine public education with restrictions on the timing and application of lawn fertilizer, are another proven tool for addressing “non-point source” nutrient pollution caused by stormwater runoff from yards and landscaped areas. Central wastewater facilities are yet another tool. If it is available, connection to central wastewater service can greatly reduce the level of pollutants caused by poorly maintained or failed septic tanks.



- 1) **Should local governments have the ability to adopt environmental ordinances such as urban fertilizer regulations or septic tank inspection programs, to protect natural resources and comply with federal and state requirements?**
- 2) **Would you support legislation that clarifies the authority of municipalities to assess stormwater user fees on all properties that contribute to stormwater runoff?**

FINANCE AND TAXATION

Municipalities rely on a variety of revenues to fund basic municipal services, such as public safety, infrastructure, solid waste and economic development, that their citizens need and want. There are three main categories of revenues: those based on Home Rule authority, those specifically authorized by the Legislature and those authorized by the Florida Constitution. Ad valorem taxes, also known as property taxes, are the only source of local revenue that is authorized by the constitution. Cities rely heavily on this revenue source as it makes up approximately 15 percent of municipal revenues. Legislatively authorized revenues can be grouped into two categories: 1) state-shared revenue programs, such as half-cent, and municipal revenue sharing and, 2) locally levied revenues, such as the communications services tax and the local business tax. The Florida League of Cities believes that the decision about locally levied taxes should be made at the local level.

- 1) **In the past, when the state encountered a budget deficit or wanted to provide tax cuts, it has often looked to local government funding sources rather than state funding sources. Under what circumstances, if any, is it appropriate for the state to reduce, repeal, divert, restrict or otherwise use local government fiscal resources to fund state government priorities?**
- 2) **Would you support the state repealing or reducing a locally levied tax without including a replacement revenue source?**
- 3) **Cities face many challenges maintaining and repairing local roads, water, sewer and other infrastructure. How do you propose funding these critical needs?**
- 4) **Would you support giving the citizens of a municipality the power to tax themselves, through voter approval in a referendum, for the specific purpose of funding municipal projects such as roads, utilities or public parks?**

Please e-mail completed survey to Mary Edenfield at medenfield@flcities.com or mail to Florida League of Cities, Attn: Mary Edenfield, PO Box 1757, Tallahassee, FL 32302. Thank you!