

RESOLUTION NO. 04-02-13

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, OPPOSING UNFUNDED STATE MANDATES ON CITIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park is concerned with the negative impacts unfunded state mandates have on the services provided by cities and with the fiscal impacts they have on local taxpayers; and

WHEREAS, an unfunded state mandate is generally defined as a state law requiring a city to spend funds or to take an action requiring the expenditure of funds without the state providing an adequate funding source; and

WHEREAS, unfunded state mandates continuously force cities to adjust local service priorities and raise local taxes and fees to pay for such unfunded mandates; and

WHEREAS, cities are forced to pass the increased costs associated with unfunded state mandates to the citizens and taxpayers of the city; and

WHEREAS, the priorities and programs of local citizens of cities are often curtailed when limited local funds must be diverted to pay for unfunded state mandates; and

WHEREAS, unfunded state mandates are not fair to local property owners or elected city officials who are trying to address local priorities and problems with a limited amount of financial resources; and

WHEREAS, prior to 1990 the state legislature passed hundreds of unfunded state mandates on the cities; and

WHEREAS, the citizens of Florida passed a state constitutional amendment in 1990 to limit the ability of the state legislature to pass unfunded state mandates on the cities (Article VII, Section 18, Florida Constitution); and

WHEREAS, even with the 1990 state constitutional amendments to limit unfunded state mandates, the state legislature continues to pass unfunded mandates under various exceptions to the law; and

WHEREAS, the following unfunded state mandates serve as examples of mandates cities across the state are requiring to comply with or to fund:

- Police Officer and Firefighter Pensions, Chapters 175 and 185, F.S. In 1999, the state legislature mandated that cities use any increases in insurance premium tax revenues

to provide additional, “extra pension benefits” in police officer and firefighter pension plans. These extra benefits are in addition to benefits already provided. In aggregate numbers, it is estimated that cities have had to provide over \$500 million in “extra pension benefits” to firefighters and police officers since 1999.

- Workers’ Compensation and Disability Pensions, Section 112.18, F.S. This mandate establishes a disability presumption for firefighters and police officers who suffer any health condition caused by hypertension or heart disease. The presumption is that the condition occurred because of the job and the legal presumption is nearly impossible to overcome. This mandate has dramatically increased city funding requirements relating to workers’ compensation and disability pensions.
- Group Health Insurance – Section 112.0801, F.S., requires cities, and other governments, to offer subsidized health, hospitalization and other insurance coverage to city retirees. This is a significant mandate, as it requires governments to offer their retirees health and hospitalization insurance at artificially low rates to the retiree, thereby making the employer pay the difference.
- Environmental Regulation – Chapter 403 includes numerous state mandates to cities in the area of environmental regulation. Section 403.064, F.S., requires cities applying for a permit for a domestic water reuse, if feasible, and prepare an annual water reuse report to the Department of Environmental Protection. Section 403.067 is a joint state and federal mandate that requires cities to reduce nonpoint source pollution reductions from storm water runoff and septic tanks. The cost of retrofits for storm water alone is estimated in the hundreds of millions. Section 403.0891 requires cities to develop a stormwater water management program within their comprehensive plans. Section 403.702 requires cities to plan and provide solid waste management and requires them to determine the “full cost” for providing resource recovery, recycling and disposal. This section also requires cities to develop and implement recycling programs.
- State Building Code – Chapter 553, Part IV, F.S., requires each city to adopt and enforce the state building code. Cities must use employees “certified” by the state to enforce the code. Cities must also add a “surcharge” to every building permit, which is used by the state to oversee the enforcement of the codes.
- Effective Public Notice – various Florida statutes require cities to purchase ad space in newspapers as the only method of meeting public notices requirements, even when equally effective and lower cost alternatives are available.
- Agency Rules – State agencies often propose rules that have significant fiscal impacts on cities. Recent examples include irrigation rules proposed by various water management districts, energy efficient land use rules and “need” based population analysis rules. In many instances cities must file administrative challenges just to get the agency to reconsider or reduce the fiscal impact.
- Consultants Competitive Negotiations Act – Section 287.055 F.S., requires a city to proceed through an extensive selection and negotiation process when it retains architects, engineers, landscape architects, or surveyors and mappers. Bids are based on qualification with no consideration of cost.

WHEREAS, the Town of Lake Park requests the state legislature to make reasonable and Responsible changes to current state laws to eliminate existing unfunded state mandates on cities, and further requests the state legislature to honor the intent of the 1990 state constitutional amendment restricting unfunded state mandates and not pass any unfunded state mandates in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:

Section 1. That the Town of Lake Park hereby requests the Florida Legislature to make reasonable and responsible changes to current laws to eliminate existing unfunded state mandates on cities.

Section 2. That the Town of Lake Park hereby requests the Florida Legislature to honor the intent of The 1990 state constitutional amendment restricting unfunded state mandates and not pass any unfunded state mandates on cities in the future.

Section 3. That the Town of Lake Park urges the Governor to approve any legislation making reasonable and responsible changes to current state laws to eliminate existing unfunded state mandates on cities.

Section 4. That the Town of Lake Park Clerk is directed to transmit a copy of this Resolution to Governor Rick Scott, the Florida Legislature, and the Florida League of Cities, Inc.

Section 5. That this resolution shall be effective upon adoption.

The foregoing Resolution was offered by Vice-Mayor Rumsey who moved its adoption. The motion was seconded by Commissioner Stevens and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u> / </u>	<u> </u>
VICE-MAYOR KENDALL RUMSEY	<u> / </u>	<u> </u>
COMMISSIONER STEVEN HOCKMAN	<u> / </u>	<u> </u>
COMMISSIONER JEANINE LONGTIN	<u> / </u>	<u> </u>
COMMISSIONER TIM STEVENS	<u> / </u>	<u> </u>

The Town Commission thereupon declared the foregoing Resolution NO. 09-02-13 duly passed and adopted this 6 day of February, 2013.

TOWN OF LAKE PARK, FLORIDA

BY: James Dubois
JAMES DUBOIS
MAYOR

ATTEST:

Vivian Mendez
VIVIAN MENDEZ
TOWN CLERK
TOWN OF LAKE PARK
SEAL
(TOWN SEAL)
FLORIDA

Approved as to form and legal sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY

DRAFT RESOLUTION OPPOSING UNFUNDED STATE MANDATES ON CITIES

2012-_____

A RESOLUTION OF THE [CITY/TOWN/VILLAGE OF _____] OPPOSING UNFUNDED STATE MANDATES ON CITIES.

WHEREAS, the [City/Town/Village of _____] is concerned with the negative impacts unfunded state mandates have on the services provided by cities and with the fiscal impacts they have on local taxpayers; and

WHEREAS, an unfunded state mandate is generally defined as a state law requiring a city to spend funds or to take an action requiring the expenditure of funds without the state providing an adequate funding source; and

WHEREAS, unfunded state mandates continuously force cities to adjust local service priorities and raise local taxes and fees to pay for such unfunded mandates; and

WHEREAS, cities are forced to pass the increased costs associated with unfunded state mandates to the citizens and taxpayers of the city; and

WHEREAS, the priorities and programs of local citizens of cities are often curtailed when limited local funds must be diverted to pay for unfunded state mandates; and

WHEREAS, unfunded state mandates are not fair to local property owners or elected city officials who are trying to address local priorities and problems with a limited amount of financial resources; and

WHEREAS, prior to 1990 the state legislature passed hundreds of unfunded state mandates on to cities; and

WHEREAS, the citizens of Florida passed a state constitutional amendment in 1990 to limit the ability of the state legislature to pass unfunded state mandates on to cities (Article VII, Section 18, Florida Constitution); and

WHEREAS, even with the 1990 state constitutional amendment to limit unfunded state mandates, the state legislature continues to pass unfunded mandates under various exceptions to the law; and

WHEREAS, the following unfunded state mandates serve as examples of mandates cities across the state are required to comply with or to fund:

- **Police Officer and Firefighter Pensions, Chapters 175 and 185, F.S.** In 1999, the state legislature mandated that cities use any increases in insurance premium tax revenues to provide additional, "extra pension benefits" in police officer and firefighter pension plans. These extra benefits are in addition to benefits already provided. In aggregate numbers, it is estimated that cities have had to provide over \$500 million in "extra pension benefits" to firefighters and police officers since 1999.
- **Workers' Compensation and Disability Pensions, Section 112.18, F.S.** This mandate establishes a disability presumption for firefighters and police officers who suffer any health condition caused by hypertension or heart disease. The presumption is that the condition occurred because of the job and the legal presumption is nearly impossible to overcome. This mandate has dramatically increased city funding requirements relating to workers' compensation and disability pensions.
- **Group Health Insurance – Section 112.0801, F.S.,** requires cities, and other governments, to offer subsidized health, hospitalization and other insurance coverage to city retirees. This is a significant mandate, as it requires governments to offer their retirees health and hospitalization insurance at artificially low rates to the retiree, thereby making the employer pay the difference.

- **Environmental Regulation** – Chapter 403 includes numerous state mandates to cities in the area of environmental regulation. Section 403.064, F.S., requires cities applying for a permit for a domestic wastewater treatment facility to prepare a water reuse feasibility study. Cities must implement water reuse, if feasible, and prepare an annual water reuse report to the Department of Environmental Protection. Section 403.067 is a joint state and federal mandate that requires cities to reduce nonpoint source pollution reductions from stormwater runoff and septic tanks. The cost of retrofits for stormwater alone is estimated in the hundreds of millions. Section 403.0891 requires cities to develop a stormwater water management program within their comprehensive plans. Section 403.702 requires cities to plan and provide solid waste management and requires them to determine the "full cost" for providing resource recovery, recycling and disposal. This section also requires cities to develop and implement recycling programs.
- **State Building Code** – Chapter 553, Part IV, F.S., requires each city to adopt and enforce the state building code. Cities must use employees "certified" by the state to enforce the code. Cities must also add a "surcharge" to every building permit, which is used by the state to oversee the enforcement of the codes.
- **Effective Public Notice** – various Florida statutes require cities to purchase ad space in newspapers as the only method of meeting public notice requirements, even when equally effective and lower cost alternatives are available.
- **Agency Rules** – State agencies often propose rules that have significant fiscal impacts on cities. Recent examples include irrigation rules proposed by various water management districts, energy efficient land use rules and "need" based population analysis rules. In many instances cities must file administrative challenges just to get the agency to reconsider or reduce the fiscal impact.
- **Consultants Competitive Negotiations Act** – Section 287.055, F.S., requires a city to proceed through an extensive selection and negotiation process when it retains architects, engineers, landscape architects, or surveyors and mappers. Bids are based on qualification with no consideration of cost.

WHEREAS, the [City/Town/Village of _____] requests the state legislature to make reasonable and responsible changes to current state laws to eliminate existing unfunded state mandates on cities, and further requests the state legislature to honor the intent of the 1990 state constitutional amendment restricting unfunded state mandates and not pass any unfunded state mandates in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE [COUNCIL/COMMISSION] OF THE [CITY/TOWN/VILLAGE OF _____], FLORIDA:

Section 1. That the [City/Town/Village of _____] hereby requests the Florida Legislature to make reasonable and responsible changes to current laws to eliminate existing unfunded state mandates on cities.

Section 2. That the [City/Town/Village of _____] hereby requests the Florida Legislature to honor the intent of the 1990 state constitutional amendment restricting unfunded state mandates and not pass any unfunded state mandates on cities in the future.

Section 3. That the [City/Town/Village of _____] urges the Governor to approve any legislation making reasonable and responsible changes to current state laws to eliminate existing unfunded state mandates on cities.

Section 4. That the [City/Town/Village of _____] Clerk is directed to transmit a copy of this resolution to Governor Rick Scott, the Florida Legislature, and the Florida League of Cities, Inc.

Section 5. That this resolution shall be effective upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE [COUNCIL/COMMISSION OF THE CITY/TOWN/VILLAGE OF _____], FLORIDA, THIS _____ DAY OF _____, 2012.