2019

Legislative Priorities for Marion County

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OVERVIEW

Funding and action requests

Funding requests

- Next state veterans’ home sited in Marion County. An appropriations bill of approximately $6.5 million is forthcoming.

- Southeastern Livestock Pavilion completion of phase three construction in the amount of $3,671,768 per Florida Statutes, section 288.1175.

- Implementation of the Florida Department of Environmental Protection’s unit management plan for Silver Springs State Park, an estimated $1.5 million.

Policy action requests

- Discretionary sales tax allowance modifications, implementation of a transportation sales surtax for non-charter counties and indexing local-option fuel taxes.

- Standardizing and streamlining grant application processes for water management districts with septic-to-sewer projects receiving a 25% funding matching.

- Funds collected from Marion County documentary stamps to be paid through the county’s annual SHIP allocation.

- Continuing contract threshold increase for the Consultants’ Competitive Negotiation Act.

- County government consent to provide utility services within county service areas.

- Contact information during public land permitting process for small cell towers for emergency, maintenance and repair purposes.

- Commemorate Marion County’s 175th anniversary with a gubernatorial proclamation.
**Requested action:** support designation of Marion County, within the Veteran’s Affairs budget, as the site for the next state veterans’ nursing home; approximately $6.5 million.

Marion County continues to be an ideal location for a new state veterans’ nursing home, as evidenced by the ever-growing and aging veteran population within and near the county. With an increasing number of our nation’s heroes calling Marion County home, a nursing home serving those who have served will enable our community to provide appropriate care in our veterans’ later years.

Among the many factors making Marion County an ideal site for a future state veterans’ nursing home, is the proximity of Marion County to 23 of Florida’s 67 counties. Marion County’s central location provides a unique ability to directly impact more than 650,000 veterans within a service area of less than 75 miles. Nearly 300,000 of these veterans are over the age of 65.

The Marion County Veterans Resource Center, opened in May 2017, highlights one of our community’s largest public/private partnerships and serves as a one-stop shop for veterans and their families. Marion County and more than 40 local veteran organizations provide award-winning and prompt services to the county’s more than 45,000 veterans; that’s 1 of every 7 residents.

The U.S. Senate approved legislation authorizing seven new major Veterans Affairs medical facilities in Florida. Progress is being made on a replacement outpatient facility in Marion’s county seat of Ocala.

Additionally, Marion County is currently working with the state utilizing funding appropriated in the last legislative session to evaluate potential sites as the future location of a state veterans’ nursing home. The Florida Department of Management Services has requested sites for a potential nursing home facility. Marion County has submitted three options to the state to conduct environmental studies for the selection of a preferred location.
Requested action: support an appropriations bill allowing the Florida Department of Environmental Protection to implement specific improvements included in the unit management plan for Silver Springs State Park, an estimated $1.5 million.

Located in central Marion County, Silver Springs State Park has been a natural landmark since the 1870s. As one of the largest artesian springs ever discovered, audiences have long been captivated by the springs’ natural beauty and vibrant clarity. From glass bottom boat tours to kayak and canoe trips, the springs are Florida’s to discover.

Silver Springs is often called the gateway to the Ocala National Forest, the second largest and most southern national forest east of the Mississippi. The United States Department of Agriculture views Silver Springs as a vital interface between the Ocala National Forest and the urban core of Ocala.

The park serves as the western terminus of the Black Bear Scenic Byway leading from Silver Springs to Ormond Beach, which promotes awareness of the recreational opportunities along State Road 40. The springs within the park feed into the Silver River, a five-mile stream flowing from the springs to the Ocklawaha River. Designated as a national natural landmark in 1971, Silver Springs State Park and the surrounding areas offer a wealth of culture and historical significance.

The Silver Springs State Park unit management plan was updated and approved on Dec. 17, 2014. However, since its approval, the Florida Department of Environmental Protection has not implemented a majority of the enhancements and improvements to the park. As a result, one of Florida’s greatest natural assets lays dormant and underutilized. Silver Springs State Park is a key component of Marion County’s vision for a robust outdoor recreation sector and serves as a catalyst project bringing much needed velocity to the local tourism market.
**Requested action:** support modification to existing laws to allow for a discretionary sales tax that can be used for general purposes, including operational expenditures, enactment of the transportation sales surtax for non-charter counties and support indexing local-option fuel taxes.

Existing laws governing local discretionary sales surtax revenues and fuel tax revenue do not provide the flexibility local governments need to distribute tax burdens amongst its population more equitably.

Tax reform measures that simplify administration and provide an economic boost to Florida’s taxpayers are essential. These measures must consider and minimize the collective and cumulative negative impact on local revenues, including state-shared and local discretionary revenue sources that are critical to local governments in providing community services.

To accomplish this objective, Marion County recommends the following three initiatives:

- Modify the existing law to allow the use of the local discretionary sales surtax for local government for general purposes, including operational expenditures within the general fund in addition to the traditional expenditures identified as capital improvements.
- Enact a law allowing Marion County (a non-charter county) the opportunity to levy a transportation sales surtax similar to charter counties. This law will help not only Marion County, but also other non-charter counties in Florida.
- Support indexing local option fuel taxes to annual adjustments of the consumer price index.

**Impact**

The flexibility, if approved, in the use of the local discretionary sales surtax for operational expenditures will help Marion County in reducing the ad valorem tax levied on property owners burdened with the largest share of taxation under the existing tax structure. The potential reduction in ad valorem could be substantial. If approved to utilize discretionary sales tax funds for operational expenditures, the property tax’s ad valorem amount for Marion County residents could proportionately be reduced, which could alleviate some property tax burden.

The enactment of the transportation sales surtax for non-charter counties will provide a much needed revenue source to fund transportation capital projects, especially since the local gas tax is not indexed and has lost most of its purchasing power due to inflation. Marion County has an **annual shortfall of approximately $10 million** for capital maintenance projects and a backlog of $300 million for local transportation capacity projects.

In aligning the state and counties with the same indexing system, it would allow counties to strategically fund projects from revenue generated within their county thus allowing for a more targeted control of maintenance, development and investment. According to the FDOT website, “The department (FDOT) received about $690 million in additional revenue in fiscal year 2015-16 when compared to what the collections would have been without fuel tax indexing.” If aligned, counties would likewise see a funding increase.
**Requested action:** require the water management districts to standardize and streamline their grant application processes and provide a 25% funding match toward septic-to-sewer projects.

Marion County is continuing its aggressive stance to protect and preserve its water resources through analyzing and updating procedures and we ask that the state also scrutinize their processes. The timeline for the basin management action plans (BMAPs) for both the Rainbow and Silver springs systems, as well as other springs throughout Florida, is fast approaching its 20-year target goal.

Marion County has recently re-examined its extension funding alternatives for new home development. As it stands, a developer or resident that is building on a parcel within 400 feet of a public main is required to hook up to Marion County Utilities (MCU).

To encourage growth while achieving the goals of the state’s BMAP, Marion County is in the process of establishing an availability fee to encourage developers and residents to connect to MCU rather than request waivers for wells and septic tanks.

Marion County continues to tackle what we can voluntarily, and we request that the state support further action requiring the water management districts to standardize and streamline their grant application processes.

This would significantly help to facilitate the BMAP initiatives, and the funds would be above and beyond the FDEP’s 50% match while allowing local governments to match the remaining 25%.
**Southeastern Livestock Pavilion**

**Requested action:** support $3,671,768 in funding to complete phase three of the Southeastern Livestock Pavilion master plan project. Requested through the Florida Department of Agriculture’s budget as an “agriculture education and promotion facility,” Florida Statutes, section 288.1175.

The Southeastern Livestock Pavilion (SELP), the area’s premier agricultural complex and educational venue, hosts events and serves as a hurricane shelter for livestock evacuated from around the state.

Phase one of the SELP’s build out was completed in December 2004, and phase two in February 2011. The next step toward the SELP’s completion is phase three of the facility’s master plan.

Phase three will develop the north portion of the property, including a covered roping arena and a 120-stall barn. The estimated total cost for phase three is $5,268,748.

The 2014 legislature awarded $750,000 toward this project, and in 2015 an additional $696,980 was granted for a total of $1,446,780. Marion County contributed $400,000 to enable erection of a covered arena, spanning 96,000 square feet, which was completed in May 2017.

**Impact**
The requested funding will allow completion of phase three, including vital features for the facility; campsites, a sanitary dumping station, storm water infrastructure, entry/exit roadways and additional paved parking areas. We anticipate rentals for 20 of 52 weekends during the first year.

**Fiscal impact**
The annual rental revenues at the SELP are $367,026. We anticipate the new facility will increase rental income by 25% or $91,757.

**Economic impact**
The latest UF/IFAS study, completed in 2004, indicated the SELP contributes $11 million annually to the local economy. Of this, more than $200,000 is in state tax dollars.

The SELP brings dollars to Florida; the study also determined more than 60% of visitors live outside Marion County. While an estimated 30% of visitors are from outside Florida.

The activities of the SELP bring new dollars to Florida through gasoline, food and lodging, as well as tack and feed.

**Business impact**
A key part of the SELP’s responsibility is promotion of agriculture. The proposed addition will host activities which will further the role of agribusiness in Marion County and Florida, while increasing public awareness of this key industry.

The facility complements the activities of the Florida Agriculture and Horse Park. Together, these entities promote the equine image of Ocala/Marion County and bolsters Florida’s image as an equine center.

**Educational impact**
The SELP provides a venue where 4-H and FFA students learn and transition into responsible adults. Students attend events during the year; Southeastern Youth Fair, Farm Bureau Ag Ventures, Black Stallion Literacy and STEM workshops.

The site’s UF/IFAS Extension program offers educational sessions in agriculture for regional producers; the state equine symposium and the fall conference for the Cattlemen’s Association.
Requested action: support the full amount of funds collected from Marion County documentary stamp taxes to be paid into the Sadowski Housing Trust Fund through the county’s annual SHIP allocation.

Local housing prices continue to climb dramatically, credit requirements have tightened, and the need for affordable housing options is critical to the overall prosperity of our community. Concurrently, older housing continues to deteriorate, thus the need for rehabilitation funding for low-income homeowners is increasing.

During fiscal year 2017-18, Marion County was able to assist:
- **46 housing rehabilitation clients** for a total of $683,351
- **37 purchase assistance households** for a total of $980,291
- **15 affordable homes** under construction for a total of $1,500,000

Funds from the state housing initiatives program (SHIP) decreased in fiscal year 2018 by 60% to support other legislative priorities. This will continue to cause a negative impact on local affordable housing efforts during fiscal year 2018-19.

During fiscal year 2018-19, Marion County will only be able to assist approximately:
- **11 housing rehabilitation clients** for a total of $169,347
- **10 purchase assistance households** for a total of $254,020

SHIP allocations are made following statutory guidelines in sections 420.9073 and 201.15 of the Florida Statutes. Marion County is in critical need of affordable housing for residents of extremely low and, up to and including, moderate income levels. The housing trust fund currently receives significantly more funding paid into it on behalf of Marion County than the county receives back in annual SHIP allocations. To support this critical need, the county requests that the statute be amended, and the county receive allocations in the same amount it contributes to the housing trust fund.
Requested action: support increasing the construction cost amount at which a continuing contract must be bid pursuant to the Consultants’ Competitive Negotiation Act from the existing threshold of $2 million.

The economy’s robust recovery has led to an increase in engineering fees, thus increasing a project’s overall cost. The ability to use a continuing contract for a higher-valued construction project would reduce the number of projects requiring the full bidding process, speeding completion and reducing overall costs.

The thresholds for bidding continuing contracts have been in place since 2009. Construction costs have significantly increased since that time, reducing the number of projects allowed without requiring a full bidding process. Consultant fees are averaging approximately 8% of the total project, which translates to a $200,000 consultant fee for a $2.5 million project.

The bidding of projects increases the time and money required to complete the development. Construction costs expected to be within these limits typically exceed them, triggering a bidding process midstream, which jeopardizes the integrity of the project and increases administrative costs.

Per Florida Statutes section 287.055, the Consultants’ Competitive Negotiation Act governs the acquisition of professional architectural, engineering and landscape architectural or registered surveying and mapping services. The statute defines a continuing contract as a contract for professional services whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed $2 million, and for study activity, if the fee for professional services for each individual study under the contract does not exceed $200,000. Firms providing professional services under continuing contracts are not required to bid against one another.

Fiscal impact
Increasing the bidding-requirement threshold should have a positive impact on overall project costs and should more accurately reflect the cost increase for services relative to the overall project cost.
Requested action: support modification of current legislature to require consent of a county government prior a municipality providing utility services within county service areas; section 180.02, Florida Statutes, see exhibit A.

Description/Background
This statutory scheme creates the possibility where customers in the unincorporated area will be paying higher rates to subsidize the lower rates of municipal customers, and the city’s elected officials have no political accountability to the customers in the unincorporated areas.

This scenario recently occurred in the city of Dunnellon in Marion County, where the city acquired an investor-owned utility in the unincorporated area and, pursuant to the above statute, imposed surcharges and other impositions on the customers of that system. This resulted in litigation that was costly to the city, and ultimately led to acquisition of the system by the Florida Governmental Utility Authority.

In addition to the above-described concerns for residents of the unincorporated county, the municipality's unrestricted power under Florida Statutes, section 180.02 to establish such utility zones or service areas creates a disruptive influence for the planning and system development of county-owned utility systems provided by the County Home Rule Powers Act, section 125.01, Florida Statutes.

Impact
What is most problematic for county utility departments is the ability of cities, under section 180.02, F.S., to create such zones in unincorporated areas, regardless of the impact thereof on county utility operations, and with no agreement or consent required by the county. While a county may file objections under subsection 180.03(2), the city is free to ignore those objections.

A reasonable resolution of the above situation is found in section 180.06, F.S. – activities authorized by municipalities and private companies – where the last paragraph provides:

“However, a private company or municipality shall not construct any system...in the event that a system...of a similar character is being actually operated by a municipality or private company in the municipality or territory immediately adjacent thereto, unless such municipality or private company consents to such construction.”

Please refer to exhibit A for an example of the requested changes to the statute.
Requested action: support legislation requiring entities responsible for small cell towers in rights-of-way and on public lands to register at least one contact responsible for emergency, maintenance and repair-related communications during the permitting process.

The need for cell towers continues to evolve with the advancements of technology and the telecommunications industry. Companies are installing large, 120-foot cell towers and small cell towers, or small cells, in the rights-of-way (ROW).

These small cells are generally the height of a telephone pole and are needed to support ever-changing smart phone technology. Companies are using the ROW to accommodate the growing need for these towers.

Legislation passed in 2017 allows wireless communication towers to be placed in ROW, without regulation requiring the installing wireless company to be the responsible entity. Marion County has found companies that own and install small cells parcel off field space to other service providers.

The county’s primary concern is the need for clarity as to whom to contact for cleanup and reinstatement of services during and after an emergency event, such as 2017’s Hurricane Irma.

A regulation is proposed requiring the registration of the entity responsible for the small cells in ROW and on public lands during the permit process, providing local governments with vital contacts in the event of an emergency, needed maintenance or repair.
**Requested action:** support the bill commemorating the 175th anniversary of Marion County and a proclamation from the governor, see exhibit B.

March 25, 2019 marks the 175th anniversary of the founding of Marion County.

To recognize and bring awareness of this anniversary, the **175th anniversary event on March 30, 2019** will educate residents on the county’s history and celebrate the founding of Marion County through many activities and participation by groups and organizations throughout our community.

Marion County’s founding history consists of just a snippet of the following:

When the U.S. government acquired Florida in 1821, scouts were sent to survey the peninsula. In 1825, the government created an agency to oversee the Seminole population in what would become Marion County. Between 1842 and 1844, **present-day Marion County spanned portions of three other Floridian counties**: Alachua, Mosquito (Orange) and Hillsborough.

The closest county seat was in Alachua, a difficult 50 miles from Fort King. As a result, early settlers began to get restless for a new county. Gabriel Priest, the first state senator from Marion, represented Alachua County when he introduced a bill to create the new county. The territorial legislative council authorized the formation of Marion County, and Richard Keith Call, the territorial governor, signed the law on **March 25, 1844**.

Since 1844, Marion County’s culture continues to be a rich and successful one indeed. We are the **Horse Capital of the World™**; breeding and training champion horses year after year. We are a **distribution and logistical hub** with burgeoning economic growth; attracting major corporations and creating high paying jobs. But, most of all, we are a **tight-knit community** that is proud of its heritage, and we **invite you to celebrate this milestone with us!**

*Please refer to exhibit B for verbiage for the requested proclamation.*
The requested changes to Florida Statutes, section 180.02 are as follows:

180.02  Powers of municipalities.—

(1) For the accomplishment of the purposes of this chapter, any municipality may execute its corporate powers within its corporate limits.

(2) Any municipality may extend and execute all of its corporate powers applicable for the accomplishment of the purposes of this chapter outside of its corporate limits, as hereinafter provided and as may be desirable or necessary for the promotion of the public health, safety and welfare or for the accomplishment of the purposes of this chapter; provided, however, that said corporate powers shall not extend or apply within either the corporate limits of another municipality or a service zone or area within the unincorporated county, established and defines by a county ordinance, without the consent of said county.

(3) In the event any municipality desires to avail itself of the provisions or benefits of this chapter, it is lawful for such municipality to create a zone or area by ordinance and to prescribe reasonable regulations requiring all persons or corporations living or doing business within said area to connect, when available, with any sewerage system or alternative water supply system, including, but not limited to, reclaimed water, aquifer storage and recovery, and desalination systems, constructed, erected and operated under the provisions of this chapter; provided, however, in the creation of said zone the municipality shall not include any area within the limits of any other incorporated city or village, nor shall such area or zone extend for more than five miles from the corporate limits of said municipality.
Resolution bill and proclamation verbiage

Whereas, when the U.S. Government acquired Florida in 1821, scouts were sent to survey the peninsula and in 1825, the government created an agency to oversee the Seminole population in what would become Marion County; and

Whereas, the U.S. Army established a military outpost to protect the northern boundary of the Indian reservation; and

Whereas, pioneers came to present day Marion County for free land offered under the Armed Occupation Act during the 1840s; and

Whereas, between 1842 and 1844, the county was still a part of Alachua, Mosquito (Orange) and Hillsborough counties and the closest county seat was in Alachua, a difficult 50 miles from Fort King. As a result, early settlers began to get restless for a new county; and

Whereas, Gabriel Priest, the first state senator from Marion, represented Alachua County when he introduced a bill to create the new county; and

Whereas, the territorial legislative council authorized the formation of Marion County and Richard Keith Call, the territorial governor, signed the law on March 25, 1844; and

Whereas, Marion County has grown substantially in its history and now boasts significant economic development and the title of Horse Capital of the World; and

Whereas, the people and natural landmarks of Marion County have contributed greatly to the history of the state of Florida; and

Whereas, March 25, 2019, marks the 175th anniversary of Marion County’s creation;

Now, therefore, I, Insert Name, Governor of the State of Florida, do hereby proclaim March 25, 2019, as Marion County Day and thank the citizens of Marion County, past and present, for their significant contributions to our state.