

**ITEM #84**

(Updated Exhibit 1)

# **ADDITIONAL MATERIAL**

**Regular Meeting**

**DECEMBER 1, 2020**

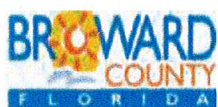
**SUBMITTED AT THE REQUEST OF**

**INTERGOVERNMENTAL  
AFFAIRS/BOARDS SECTION**

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**From:** Cassini, C. Marty  
**Sent:** Monday, November 30, 2020 2:12 PM  
**To:** Lindor, Vayola; Jardine, Arlene; AgendaPreparation  
**Cc:** Cepero, Monica; West, Devon  
**Subject:** Item 84 - Additional Information  
**Attachments:** Exhibit 1 - 2021 State Legislative and Executive Program - Additional Material Item 84 (11-30-2020).pdf

Please see an updated Exhibit 1 to Item 84. The update includes added language on Page 6 relating to gender identity (requested by the Human Rights Board) and added language on Page 7 relating to proposed changes for the State Housing Initiative Partnership (SHIP) funding distribution (requested by Senator Rich). Other changes include format updates to the Table of Contents due to spacing.



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**STATE LEGISLATIVE AND EXECUTIVE  
PROGRAM**

2021

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**BOARD OF COUNTY COMMISSIONERS**

Mayor Steve Geller, District 5

Vice Mayor Michael Udine, District 3

Nan Rich, District 1

Mark Bogen, District 2

Lamar Fisher, District 4

Beam Furr, District 6

Tim Ryan, District 7

Dr. Barbara Sharief, District 8

Dale V.C. Holness, District 9



**COUNTY ADMINISTRATION**

Bertha Henry, County Administrator

Monica Cepero, Deputy County Administrator

**COUNTY ATTORNEY**

Andrew J. Meyers, County Attorney

**COUNTY AUDITOR**

Bob Melton, County Auditor

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# BROWARD COUNTY STATE LEGISLATIVE AND EXECUTIVE PROGRAM

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## I. STATE PRINCIPLES AND POLICIES

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### **BROWARD COUNTY STATE PRINCIPLES**

1. Maximize leverage of state funding for local programs.
2. Increase flexibility for Broward County.
3. Lessen the impact of adverse federal policies on Broward County's budget and decision-making authority.

### **BROWARD COUNTY GUIDING STATE POLICIES**

#### **Local Decision-Making**

**SUPPORT** proposals that would provide a greater share of total available state funding to Broward County, and **OPPOSE** proposals which would reduce the County's share of total funding.

**SUPPORT** proposals that would provide local governments with greater decision-making authority over the use of federal funds, which provide for direct grants or mandatory pass-through allocations to large urban counties.

**OPPOSE** proposals that impose new unfunded mandates on the County.

**OPPOSE** proposals that would finance increased spending for one program by cutting other programs of greater benefit to the County, or which would result in a net revenue loss or a cost-shift to the County.

**SUPPORT** proposals to reduce or relax local match requirements that hinder the ability of local governments to receive or use state funds.

**OPPOSE** state preemption of local government authority.

#### **Firearms Regulation**

**OPPOSE** the open carry of firearms in government owned facilities, educational institutions, courthouses, and healthcare institutions; and the Legislature's attempt to prohibit local governments from implementing firearms regulations.

#### **Florida Association of Counties**

Support the Florida Association of Counties (FAC) Legislative Program and Guiding Principles, unless specific issues conflict with County positions.

#### **Florida Department of Transportation (FDOT) Five-Year Work Program Funding**

**SUPPORT** continued funding for projects in the FDOT adopted Five-Year Work Program, which are prioritized based on the level of the return on investment. The Program provides a reliable source of capital funding and facilitates the ability of Florida Ports to be competitive.

#### **General Revenue**

**OPPOSE** any efforts that further erode the capability of local governments to fulfill their financial obligations or provide necessary services to their residents.

#### **Human & Civil Rights/Diversity and Inclusion \* NEW\***

Racism is a chronic, socially-constructed doctrine that seeks to marginalize and oppress people of color. This prejudice has structured the thinking, behavior, and actions of individuals and institutions throughout history. The

**SUPPORTS** policies aimed at denouncing white supremacy. The Board also **SUPPORTS** legislation prohibiting law enforcement agencies from engaging in or tolerating police brutality. The Board further **SUPPORTS** proposals that mandate racial equity and diversity training in the workplace to ensure everyone in the workplace is respected and treated appropriately regardless of race, gender, religion, ~~or~~ sexual orientation, and gender identity.

**SUPPORT** legislation that seeks to include hate crimes committed because of disability, gender, and gender identity.

**SUPPORT** legislation that calls for the equitable treatment and elimination of discrimination based on race gender, religion, and sexual orientation.

**Library and Cultural Grants Funding**

**SUPPORT** the Florida Cultural Alliance’s Legislative Platform that calls for the full restoration of cultural affairs programming grants, as arts and culture support jobs, tourism, and education. Also, **SUPPORT** increased funding for the State Aid to Libraries Program to \$33 million; and support full funding of projects eligible for Public Library Construction Grant funding.

**Medicaid Expansion**

**SUPPORT** a state implemented Medicaid expansion to provide affordable healthcare coverage for nearly one million Floridians who are uninsured.

**Sovereign Immunity**

**OPPOSE** legislative efforts to increase or eliminate the sovereign immunity waiver limitations in current law.

**Southeast Florida Regional Climate Change Compact Legislative Program**

**SUPPORT** the Southeast Florida Regional Climate Change Compact and the Resiliency Florida Legislative Programs, unless specific issues conflict with County positions.



## II. COMMISSION PRIORITY ISSUES

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### **Affordable Housing \*UPDATED\***

**SUPPORT** full use of the dedicated revenues provided by the Sadowski Affordable Housing Act for Florida's housing programs and projects. Specifically, full funding for the State Housing Initiative Partnership (SHIP) and State Apartment Incentive Loan (SAIL) Programs aiding income eligible residents, including seniors and individuals with disabilities. **OPPOSE** any diversion of housing trust fund monies for purposes unrelated to the affordable housing needs of Floridians.

**SUPPORT** [modifying the current requirements of SHIP funding distribution. Currently, s. 420.9075\(5\)\(a\) requires at least 65 percent of awarded SHIP funding to be used for home ownership, and s. 420.9075\(5\)\(b\), indicates up to 25 percent of funding may be used for rental housing. Since the Great Recession, Broward and all of the urban counties have had a much greater need for rental housing than home ownership. Due to the extreme home prices in Broward County, only 13 percent of all families in the County can afford the median priced home \(\\$365,000\). The Board further SUPPORTS amending the current law to allow 50 percent of SHIP funding for home ownership with the remaining 50 percent for multifamily rental housing to allow for a more equitable distribution of SHIP funds under the current reality of the housing market.](#)

### **Behavioral Health and Substance Abuse Needs**

**SUPPORT** the protection and full funding of the existing behavioral health safety net in Broward County. The Board also **SUPPORTS** state funding and additional resources to address the significant unmet behavioral health needs within the County, including multidisciplinary teams; and permanent, supportive, and transitional housing. The County requires community support services, extended acute care beds, and integrated primary/behavioral health programs to provide services to special populations.

**SUPPORT** recurring funds designated to the County's Children's Community Action Treatment Teams (CAT), Family Intervention Treatment Teams (FIT), and Florida Assertive Community Treatment Teams (FACT). The Board also **SUPPORTS** policies and legislation that regulate recovery residences.

**SUPPORT** the Broward Behavioral Health Coalition's (BBHC's) FY 2020-21 Legislative Priorities and Funding Requests.

### **COVID-19 Response \*NEW\***

**SUPPORT** additional direct funding for local governments to fight the novel coronavirus, COVID-19, and **SUPPORT** an extension until December 31, 2021 for use of CARES Act funds. Additionally, **SUPPORT** proposals that include flexibility provisions for COVID-19 relief funds to cover lost revenue.

**SUPPORT** prioritizing testing and vaccination processes for first responders, senior citizens, and medical staff, and providing appropriate funding for such testing.

**SUPPORT** legislation amending s. 286.011 to allow a governing public body to establish a quorum to conduct public meetings and workshops virtually during a declared state of emergency by means of communications media technology, so board members have the opportunity to participate either in-person or remotely. Due to the indefinite duration of the COVID-19 pandemic, the Board **SUPPORTS** this amendment to protect the health and safety of the public, staff and commissioners. This change to current law should also apply to advisory boards, quasi-judicial hearings, and other public meetings.

### **Sea Level Rise, Beaches and Water Policy \*UPDATED\***

**SUPPORT** legislation intended to assess the financial need to address Florida's water infrastructure relating to conservation, the protection of water quality, stormwater, flood control and environmental protection and restoration.

**SUPPORT** legislation that promotes adequate funding to address water infrastructure needs, as well as the development of prioritized and science-based grant programs for the implementation of projects identified by local governments, the water management districts, and state agencies.

**SUPPORT** legislation requiring the assessment and evaluation of state agency efforts to address sea level rise and other weather impacts on the county.

**SUPPORT** a minimum of \$50 million in state funding for beach nourishment and inlet management projects.

**SUPPORT** legislation and funding initiatives to increase alternative water supply funding, including stable or increased funding for the Water Sustainability and Protection Program and state funding of the Leah Schad Memorial Ocean Outfall Program.

**SUPPORT** funding to water management districts for resiliency initiatives which include updating design standards, planning and regulatory criteria, and level of service studies to maintain project compatibility, and infrastructure connectivity under potential future climate conditions.

**Criminal Justice Reform \*UPDATED\***

**SUPPORT** the investment within certain facilities to enhance the conditions of secure confinement for detained youth, specifically, in providing comprehensive services that will assist in decreasing juvenile offender recidivism.

**SUPPORT** all public safety initiatives, funding for much needed public safety facilities, and the implementation of policies protecting countywide emergency communication infrastructure.

**SUPPORT** continued funding for organizations providing pre-apprenticeship, apprenticeship, or internship programs for disadvantaged youth and for organizations providing re-entry programs.

**SUPPORT** the expungement and sealing of juveniles who have successfully completed a probationary or rehabilitation program, specifically a County operated civil citation or prearrest diversion program. The Board also **SUPPORTS** funding for de-escalation and crisis intervention training for law enforcement officers.

**SUPPORT** legislation that stops the practice of direct file for children under the age of 18 and requires all decisions to transfer children to the adult system be made by a judge based on testimony and evidence presented in a hearing, with a presumption in law that children should remain in the juvenile system.

**Economic Development \*UPDATED\***

**SUPPORT** continued funding for the Black Business Loan Fund and Hispanic Business Investment Grant Fund. Also, **SUPPORT** legislation that would increase funding for economic development programs in low-income/high poverty communities and create programs, which would stimulate economic development within Broward County.

**SUPPORT** legislation providing guidelines and incentives for investors that provide employment and contracting opportunities for those living in all Florida Designated Opportunity Zones.

**SUPPORT** legislation that assists small and disadvantaged businesses through such capacity building components as access to banking and financing, insurance and bonding, business development, technical assistance trainings, workforce development and mentor-protégé programming. Also, **SUPPORT** policy proposals and funding for workforce development, apprenticeship, and pre-apprenticeship programs.

**SUPPORT** film, television and digital media production, and other entertainment grant opportunities that would focus on local talent and businesses, in turn increasing local revenue and tourism.

**Fracking \*UPDATED\***

**SUPPORT** legislation that prohibits high-pressure well stimulation and matrix acidization in the state, specifically for oil and gas wells. Additionally, **SUPPORT** legislation that clarifies that a permit for drilling or operating an oil or gas well does not authorize the performance of high-pressure well stimulation or matrix acidization.

**OPPOSE** preemption of local regulation of extreme well stimulation and oil and gas exploration and extraction, including hydraulic fracturing.

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### III. LOCAL BILLS

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**Senior Services District**

**SUPPORT** the creation of a countywide Senior Services District. The independent special district will fund and provide services to seniors throughout Broward County. The governing body of the independent district will be known as the Senior Services Council of Broward County (Council). It will be tasked with providing and maintaining preventative, developmental, treatment-based, and rehabilitative services for the general welfare of seniors. Additionally, the Council will allocate and provide funds to other agencies that operate for the benefit of seniors; collect information and statistical data that will be helpful in deciding the needs of seniors in the county; and seek local, state, federal, and private grants/donations. As more seniors are “aging-in-place” or relocating to South Florida, specifically in Broward County, the creation of a Senior Services District provides the elderly population with a sustainable solution pertaining to their specific needs.

**Affordable Housing Discretionary Surtax | Broward County Housing Trust Fund**

**SUPPORT** a local bill that creates a dedicated source of funding for Affordable Housing in Broward County. The ability of Broward County residents to have a discretionary documentary surtax will be a dedicated source of funding for the charter established *Broward County Affordable Housing Trust Fund*. The discretionary surtax is designed to provide gap funding not available from the state due to annual “raids” of the Sadowski Affordable Housing Trust Fund. Like Miami-Dade, Broward seeks to send \$0.60 of documentary stamp revenues to the state, of which \$0.10 will be used for administrative purposes. An additional \$0.45 tax will be applied, in which all monies will go directly into the *Broward County Affordable Housing Trust Fund*. The surtax will seek reauthorization by voter referendum every 12 years.

Updated local bill developments can be found on the Legislative Delegation’s website:

<http://www.broward.org/legislative/Pages/Default.aspx>

#### IV. DEPARTMENT POLICY PROPOSALS

*Each County Department, Division, Office, and Section has the opportunity to submit proposed policy proposals. These proposals address specific issues that may be addressed in the current Legislative Session or carried over until the policy has been successfully implemented or removed by the Commission, whichever comes first.*

##### **Affordable Housing Capital Facility & Impact Fees | Housing Finance Authority**

###### **Requests**

[Amend s. 163.318, F.S. – Concurrency, to include “affordable housing unit construction” in the definition of “capital facility”](#) | This would provide stronger authority for the County to apply impact fees for affordable housing to commercial development by defining affordable housing as a “capital facility” under state law. In addition, affordable housing impact fees would provide a source of revenue for the funding of affordable housing programs and projects, and ultimately increase the supply of affordable housing units in Broward County.

[Require that affordable projects funded by impact fees, remain affordable over the long-term \(e.g., minimum of 30 years\)](#) | This will most likely result in commercial developments paying additional impact fees. County residents would benefit from an increased number of affordable housing units. Local governments would benefit from the collection of impact fees to fund affordable housing programs and projects, and affordable housing developers and agencies would benefit from increased funding.

###### **Background**

In 2019, the Legislature approved Ch. 2019-165, L.O.F., which authorizes counties and municipalities to continue using inclusionary housing ordinances that require a developer to provide a specified number or percentage of affordable housing units within a development or, in lieu of, allow a developer to contribute to a housing fund or other alternative. In exchange, however, a county or municipality must provide incentives to fully offset all costs to the developer for its affordable housing contribution. Incentives may include:

- Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designations;
- Reducing or waiving fees, such as impact fees or water and sewer charges.

Additionally, the law codifies the dual rational nexus test by requiring an impact fee to be proportional and have a rational nexus both to the need for additional capital facilities and to the expenditure of funds collected and the benefits accruing to the new construction. Local governments must designate the funds collected from impact fees for acquiring, constructing, or improving capital facilities to benefit new users.

Affordable housing is one of the most critical issues facing Broward County. While we are expecting a significant increase in job growth across the county and region, the shortage of affordable workforce housing has risen exponentially. Recently, Florida International University’s Metropolitan Center updated a 2014 Rational Nexus Study for Broward County. The Study found that new commercial development creates demand for new affordable housing, resulting in a rational nexus between development and the imposition of impact fees required under state law. More than 911,000 very low-income households pay more than 50% of their income on housing and these individuals and families are one missed paycheck away from homelessness.

##### **Commercial Service Airports Bill (HB 915) | Aviation Department **\*NEW\*****

## Request

Amend Section 332.0075, F.S., to increase the mandate to comply with the contractual service and commodity procurement requirements of Chapter 287, F.S., from \$65,000 to the County's mandatory bid amount of \$100,000, increase the threshold amount from \$325,000 to \$500,000 for award by the Board as currently established in the County, and clarify that only contracts procuring contractual services or commodities are prohibited from appearing on a consent agenda.

## Background

Section 332.0075 (3)(a), Florida Statutes provides that commercial service airports are subject to the requirements of Chapter 287 for purchases of commodities or contractual services which exceed \$65,000 (or Category Three in Florida Statutes 287.017). The County has established a mandatory bid amount of \$100,000 and the establishment of a different threshold does not coincide with its current procurement practices.

Section 332.0075 (3)(b), F.S., requires that the Board approve, award, or ratify *all contracts* executed on behalf of Broward County's Fort Lauderdale-Hollywood International Airport (FLL) that exceed an amount of \$325,000 (or Category Five in 287.017, F.S.) as a separate line item on the agenda and that such contracts may not be approved, awarded or ratified as part of the Consent Agenda.

Currently, Broward County's Procurement Code allows for the Director of Purchasing and County Administration to jointly award procurement contracts up to \$500,000, as long as the contract is a "clean bid" with no protests. Modifying the threshold amount from \$325,000 to \$500,000 would bring this requirement in line with the established guidelines for procurements in Broward County.

Additionally, as the bill refers to "all contracts" in Section 3(3)(b), it is the opinion of the Broward County Attorney that any contract awarded by the Board as of October 1, 2020, must be placed on the Board's Regular Agenda. *All contracts* is interpreted to include grants, lease agreements, service agreements, etc., that exceed \$325,000, as well as awards for the procurement of services and commodities. If the intent of the Legislature was to provide transparency to procurements in Florida's commercial airports, amending this section would provide a clearer definition of which contracts apply.

## **Interlocal Cooperation Act | Environmental Protection Consumer Division \*NEW\***

### Request

Amend Section 163.01(18) of the Interlocal Cooperation Act to allow interlocal cooperatives like the Southeast Florida Regional Climate Change Compact ("Compact") to conduct public meetings and workshops by means of communications media technology:

(18) Any separate legal or administrative entity created under subsection (7) which has member public agencies located in at least ~~five~~ four counties, of which at least ~~three~~ two are not contiguous, may conduct public meetings and workshops by means of communications media technology. The notice for any such public meeting or workshop shall state that the meeting or workshop will be conducted through the use of communications media technology; specify how persons interested in attending may do so; and provide a location where communications media technology facilities are available. The participation by an officer, board member, or other representative of a member public agency in a meeting or workshop conducted through communications media technology constitutes that individual's presence at such meeting or workshop. As used in this subsection, the term "communications media technology" means conference telephone, video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate.

### Background

Under normal circumstances, the Compact Leadership Committee (CLC) and many working groups must conduct business with an in-person quorum, in accordance with the state's sunshine laws. As the Compact extends from the northern border of Palm Beach County all the way to Key West, this is not always easy to accomplish. The governor's executive orders suspending in-person quorum requirements for local government meetings during the pandemic have allowed the CLC to meet virtually, saving travel and making meetings far easier to schedule and attend, and improving the Compact's efficiency and effectiveness. We would like the option to continue virtual meetings via a change in the criteria for interlocal bodies that allows for meetings via communications technology.

### **Juvenile Civil Citation – Clarification of Review Process | Crisis Intervention & Support Division**

*The Board **SUPPORTS** language to amend state law to avoid conflicts between the State Attorney and the Independently Operated Citation program. The Board also **SUPPORTS** the repeal of language found in state law, which provides the State Attorney "review" a civil citation or prearrest diversion program, established by the county prior to October 1, 2018. These changes ensure that all countywide – independently operated citation programs – operate without interference by the State Attorney, so long as the Department of Juvenile Justice, approves of such program, annually.*

#### **Requests**

[Amend s. 985.12\(2\), F.S., to avoid conflicts between the State Attorney and Independently Operated Civil Citation Program \(not Circuit Court created\) |](#) The state attorney of each circuit shall operate a civil citation or similar prearrest diversion program, *only* in Circuits that do not have an existing civil citation or similar prearrest diversion program operating as of October 1, 2018.

[Repeal language found in s. 985.12\(2\)\(c\), providing the State Attorney "review" civil citation or prearrest diversion programs established by the county prior to October 1, 2018 |](#) Independent operator shall work in collaboration with the State Attorney, Public Defender, law enforcement, and interested community stakeholders to ensure circuit-wide input. Additionally, the Independent Operator shall make quarterly program reports available to stakeholders.

#### **Background**

Since 2017, there have been conflicting and differing opinions about the language and authority of the State Attorney, implied in s. 985.12(2), F.S. The State Attorney's interpretation is that he/she has unlimited access to all youth-specific data, including but not limited to, all demographic information, assessments, provider reports, and personal information. The County's interpretation is that "review" of the program is narrowly tailored to only the specific review of independent operators' policies and procedures, *only if* the Circuit Court has established a program similar to the already established countywide program. As the State Attorney's Office does not have an established civil citation program, he/she has no authority to request confidential information from the County. The Broward County State Attorney operates its own prearrest diversion program – which is fundamentally different than a civil citation program.

Broward County has been operating a successful county-wide civil citation program since 2012. The program was established in accordance with s. 985.12 F.S. with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved, including additional stakeholders in Broward County which includes, but was not limited to, Broward County Government, the Department of Juvenile Justice (DJJ) and its Circuit Advisory Board, the Public Defender, the Children's Services Council of Broward County, the Department of Children and Families, and the NAACP. When any major changes to the Florida Statutes occur, the stakeholders are brought together to discuss and determine the best solution or approach.

This county-wide program has been the only existing program in the 17<sup>th</sup> Judicial Circuit since 2012 and is both operated and funded by Broward County Government and the DJJ. There are 14 municipalities in Broward County

that are supported by their own law enforcement agencies and an additional 17 municipalities that are supported by the Broward County Sheriff's Office. Each of the law enforcement agencies in Broward County sends its civil citation referrals to the Broward County Program, which is the single point of entry and exit. This ensures the process for referring and serving youth across Broward County is consistent, equitable and fair.

Since its initial implementation, the County's program has been expanded to include the responsibility of conducting a DJJ approved risk and needs assessment to every youth referred to the program. The program assesses an average of over 800 youth per year.

### **Online/Remote/E-Commerce Sales Tax Collection | County Commission**

#### **Request**

**SUPPORT** legislation to reform Florida's sales and use tax laws that apply to online/remote/e-commerce sales from out of state retailers.

#### **Background**

Florida levies a 6 percent sales and use tax (sales tax) on the sale or rental of most tangible personal property, admissions, transient rentals, rental of commercial real estate, and a limited number of services. Sales tax is added to the price of the taxable good or service and is collected from the purchaser at the time of sale. A dealer then remits the collected taxes to the Department of Revenue. Florida imposes a use tax on items sold by an out-of-state dealer and delivered to the in-state purchaser via mail. However, use tax compliance is almost nonexistent.

States would prefer the out-of-state dealer collect the state's sales tax at the time of sale and remit those taxes to the state. Recently, the U.S. Supreme Court interpreted the Commerce Clause of the U.S. Constitution to require that a dealer have a "substantial nexus" with the taxing state before the taxing state may require the dealer to collect its sales taxes. In 1987, Florida adopted its "mail order sales statute," which defines mail order sale as the sale of tangible personal property, ordered from a dealer who receives the order in another state and then causes the property to be transported to a person in this state – satisfying the physical presence test.

On June 21, 2018, the U.S. Supreme Court decided *South Dakota v. Wayfair*. *Wayfair* involved a new South Dakota sales tax collection statute and Wayfair, Inc., a large online retailer that sells and ships tangible personal property to customers all over the United States. At the time of the decision, Wayfair, Inc., had no physical presence in South Dakota. The *Wayfair* decision overturned the "physical presence test" resulting in the state's ability to collect sales taxes; however, the substantial nexus remains in place. Presently, Florida is one of only two sales tax-imposing states that have not implemented the U.S. Supreme Court's seminal 2018 decision authorizing states to impose sales tax collection responsibilities on remote sellers lacking a physical presence in the state.

### **Peer-to-Peer Ridesharing | County Commission \*NEW\***

#### **Request**

**SUPPORT** legislation that provides statutory requirements for peer-to-peer car-sharing, including liabilities and insurance obligations among participants.

#### **Background**

Peer-to-peer car sharing is a rental platform similar to Airbnb, but for cars. Companies like Truro allow people who own cars to hire them out for a few hours to a few weeks. Rental car companies have been lobbying state legislatures to regulate car-sharing platforms as rental agencies, similar to how hotel chains and taxi companies spearheaded regulation of Airbnb's and ride-sharing apps.

In addition to requiring car-sharing apps to collect surcharges for road maintenance, we would like to require car-sharing apps to pay the same consolidated facilities fees rental agencies pay to do business at publicly owned

airports. In addition, there have been growing complaints at FLL, from what I understand, over where individuals park their cars, they block and impede traffic, at the airport in addition to paying no fees.

### **Sunshine Laws During States of Emergency | County Attorney's Office**

#### **Request**

**SUPPORT** legislation amending the Sunshine Act, expressly allowing members of the same governing body to simultaneously participate in informational meetings and teleconferences held during a state of emergency relating to issues about the state of emergency.

#### **Background**

Florida's Government in the Sunshine Law, F.S. §286.011, has been applied to any gathering of two or more members of the same board to discuss some matter that foreseeably will come before that board for action. The statute requires, among other things, that notice of such meetings must be provided. Section 252.38(3)(a)5., Florida Statutes, provides a political subdivision the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- a) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
- b) Entering into contracts.
- c) Incurring obligations.
- d) Employment of permanent and temporary workers.
- e) Utilization of volunteer workers.
- f) Rental of equipment.
- g) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
- h) Appropriation and expenditure of public funds.

According to Op. Att'y Gen. Fla. 2004-58 (2004), the waiver of the notice requirements required under the Sunshine Law is not among those listed above, although the statute does recognize the authority of the political subdivision to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community. The notice requirements under the Sunshine Law require only "reasonable" notice. Such notice is variable and dependent upon the circumstances. Thus, the notice required under the Sunshine Law during an emergency clearly may be different than that required for regular meetings. The Advisory Legal Opinion of the Attorney General has advised that emergency meetings should be afforded the most appropriate and effective notice possible under the circumstances (e.g. use of media).

### **Section 179D Benefits: Repeal Local Government Restrictions | Environmental and Consumer Protection**

#### **Division \*NEW\***

#### **Request**

Repeal Section 215.179, Florida Statutes, to restore local governments' abilities to benefit financially from the federal Section 179D tax deduction for installation of certain energy efficiency features in government-owned buildings.

#### **Background**

This state law forbids local governments from negotiating to share in the savings offered under Section 179D of the Internal Revenue Code for energy efficiency measures and projects in their own facilities. Previously, local governments, which cannot benefit directly from these tax provisions but could assign them to a building's "designer," could negotiate with the designer for a payment in exchange for the assignment of the tax benefits.

### **911 Services Fee Increase | Office of Regional Communications and Technology \*NEW\***



## **Request**

Increase monthly telephone 911 fees to cover the increasing costs associated with providing 911 services. The fee increase will also aid in reducing the subsidy sought from the General Fund.

## **Background**

The 911 fee was enacted over 25 years ago at an amount of \$0.50 per month per device for 911 services. Telephone service providers collect the 911 fee from subscribers, retain a one percent administrative fee, and remit the balance to the state. The fees are deposited into the state's Emergency Communications Number E911 System Fund and are disbursed amongst 67 counties as required by law. This fee funds 911 Operator salaries, training and certifications, 911 telephone systems and maintenance, 911 circuits, digital mapping, 911 call recording, hearing impaired equipment, backup power systems, time synchronization equipment, location repositories, 911 center security, 911 center and equipment environmental integrity, and Next Generation 911 (NG 911) network services (IP networks).

When the fee was enacted, cellular telephones were just emerging – in 911 centers there was no digital mapping, no text-to-911, no routers, switches, gateways, servers, no software, and no virus protection – logging recorders used tapes and the 911 answering equipment was mechanical, not software driven.

In 2015, Governor Rick Scott reduced the 911 fee from \$0.50 to \$0.40 as part of a \$226 million annual tax cut for Floridians. This reduction led to an immediate fund deficit issue for every 911 Center and County 911 Coordinator in the state and many counties supplement 911 services with millions of local tax dollars. Monthly telephone fees of \$0.40 per month per telephone that are collected by the state and allocated to the County are insufficient to cover the cost of 911 related equipment, services, and call taker salaries. Further, 911 Centers are transitioning to NG 911 services with the implementation of IP call routing and regional mapping. NG 911 includes better location accuracy, but at a cost – the emerging public safety technology will cost more than the current legacy networks in place since the 1960s.

A Broward County audit determined monthly telephone 911 fees should be increased to cover more of the cost of providing 911 services and to reduce the subsidy from the County's General Fund. Specifically, in 2018, the County's General Fund subsidized 911 call taker salaries by over \$11 million. Furthermore, the National Emergency Number Association (NENA) showed that Florida currently has the third lowest 911 fee in the country. The NENA survey of 911 fees shows a median monthly fee of \$0.93 for wireless phones and \$1.00 for wired (landline) phones; and increasing the fee in Florida from \$0.40 to \$1.00 would provide approximately \$13.5 million to Broward County in additional funding based on 2018 fee allocations.

## **Tree Trimming | County Attorney's Office**

### **Request**

**SUPPORT** legislation amending tree trimming laws to require a licensed arborist physically inspect a tree prior to removal; provide definitions for "residential" property; and provide clear and defined standards using Tree Assessment Qualification Standards when determining what constitutes a "danger" to persons or property.

### **Background**

Currently, Florida has 67 counties and over 400 municipalities. Some local governments have tree ordinances that require a permit prior to trimming or removing trees or protect certain trees because they are considered an important community resource. The removal of any historical tree without first obtaining approval from the Board of County Commissioners is prohibited, as is the removal of any tree without first obtaining a tree removal license from the Environmental Protection and Growth Management Department. Furthermore, municipalities within Broward County may adopt and enforce their own tree preservation regulations in addition to Broward County's tree regulations. County tree regulations may be suspended during a state of emergency. During the 2019 Session,

the Legislature approved Chapter 2019-155, L.O.F., which prohibits local governments from requiring a permit, application, notice, fee, approval, or mitigation for the pruning, trimming, or removal of a tree on residential property that has been certified to present a danger to persons or property. The certification must be provided by an arborist certified by the International Society of Arboriculture or a licensed landscape architect; however, it does not require the certified arborist or landscape architect *to physically inspect the tree* to determine that the tree presents a danger to persons or property. Finally, the law prohibits a local government from requiring a property owner to replant a tree that was maintained according to these provisions and does not apply to authority delegated to local governments under the Mangrove Trimming and Preservation Act.

## V. COUNTY APPROPRIATIONS REQUESTS

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### **Nancy J. Cotterman Center – Crisis Intervention Programs | \$400,000 \*UPDATED\***

*The Nancy J. Cotterman Center (NJCC) improves and enhances the quality of life for child and adult victims of human trafficking, sexual assault, child abuse, and abuse through effective forensically sensitive interventions implemented by professionals specializing in the fields of human trafficking, sexual assault, child abuse, and abuse. Victims will have the support needed to successfully go through the criminal justice system increasing the likelihood of reporting and successful criminal prosecution of the offender.*

#### **Use of Funds and Implementation**

Funding for the NJCC programs will not only assist the child victims, but also adult victims, and the disabled, homeless, and underserved community, all of whom fall prey to sexual assault, human trafficking, and abusive offenders. The Advocate Program will affect a minimum of 300 victims of sexual assault and abuse; and the Anti-Human Trafficking Program will provide direct and intensive services to 20 victims and reach the entire community with and educational outreach program.

Both programs seek to empower at-risk individuals, victims (survivors), and county residents to raise awareness, get involved, and report these horrifying incidents so the offender may be full prosecuted. They also seek to provide a comprehensive array of direct and intensive intervention services to victims in order for them to maneuver through the criminal justice system and everyday life.

#### **Background**

Child abuse, abuse, and sexual violence are not isolated problems and victims experience self-blame, guilt, shame, embarrassment, and might be hesitant and mistrusting of law enforcement and the prosecutors at the State Attorney's Office. The fear of not being believed or of being accused of playing a role in the crime, along with a lack of overall trust in the criminal justice system speaks volumes to the unwillingness to cooperate and follow-through with the prosecution of the offender. In fact, on average 68 percent of sexual assaults are not reported to law enforcement, and even when reported, arrest and prosecution is unlikely. Reporting increases the likelihood of the offender being criminally prosecuted because two percent of rapists and offenders serve a prison sentence. Even more impactful, is that for every 100 instances of rape – seven lead to an arrest – of which only three are referred to prosecutors. This program not only assists the child victims, but also the disabled, homeless, and the underserved community, all of whom fall prey to these sexual assault and abusive offenders.

While the Advocate Program empowers County residents to get involved and report the incidents of sexual assault, abuse, and violence – the Anti-Human Trafficking Program was created to target child victims and potential victims of human trafficking. The program is structured to provide victims and potential victims with general outreach services and life skills training through group empowerment sessions. It also encourages and enables members of the community to get involved to reduce instances of human trafficking in Broward County.

## **HIV Test and Treat Program | \$1 Million \*UPDATED\***

### **Use of Funds and Implementation**

To supplement the purchase of anti-retroviral medications specifically prescribed for Test and Treat clients. It is important to note that Test and Treat covers the cost of medications prior to an individual being eligible for coverage under benefit assistance programs such as the AIDS Drug Assistance Program, etc. This is needed since the cost of medications and the number of individuals engaged in Test and Treat has outpaced the available funding.

### **Background**

Broward County ranks second in the nation in new HIV infections. In May 2017, the Florida Department of Health and the Broward County Ryan White Part A Program launched the “Test and Treat Program.” The program is a goal identified in the 2017-2021 Broward County Integrated HIV Prevention and Care Plan to address the HIV epidemic in the local community.

The premise of the program is to link newly diagnosed and previously diagnosed individuals (who have been out of care for more than 6 months)- to medical treatment, medications, and other support services on the same day. At the initial medical appointment, anti-retroviral medications are dispensed by the medical provider. The Test and Treat program approach aligns with research from the San Francisco RAPID model and the Haiti Study which indicate that early medication therapy leads to better treatment adherence and retention which increases health outcomes for viral load suppression which renders the virus undetectable and untransmissible.

In the first two years, the program has successfully linked approximately 1,594 people, in Broward County, to care. Clients who have remained in care after being engaged through Test and Treat have achieved viral suppression rates of 75% and 65% for the first two years, respectively. Funding this program will drastically improve the physical health of individuals diagnosed with HIV because the anti-retroviral medications allow an individual to become virally suppressed (virus is undetectable and untransmissible), resulting in the reduction of new infections within the community. This health initiative has proven to be effective. Ensuring access for individuals to be tested, knowing their status in order to dispense appropriate treatment and/or preventive interventions helps to reduce HIV new infections as well as encourage those living with HIV to live healthier lives.

### **Long Acting Injectable Buprenorphine – Pilot Program | \$158,184 \*UPDATED\***

*The Broward County Addiction Recovery Center (BARC) seeks to implement a pilot program making long-acting injectable Buprenorphine available to individuals suffering from severe opioid use disorder. The target population are the largely indigent, without health insurance, and have insufficient housing and social supports to manage daily dosing of oral Buprenorphine. Without additional funding, the County will continue experiencing rising emergency, medical, and clinical services costs. Additionally, when individuals are not engaged in drug use or alcohol addiction, they are able to be working, which directly puts more money back into the economy and as healthy individuals contributing to the community, they can provide innovation, bigger and better ideas and solutions.*

#### **Use of Funds and Implementation**

Funding will assist in reducing the costs and services related to emergency room visits, medical examiners, detoxification, and first responders' functions. The program will provide medication assisted treatment services to 45 clients. The county contribution of \$52,728 will be used to serve an additional 15 clients. Specifically, clients will receive:

- 2 months of extended release injectable buprenorphine medication at a cost of \$1,680 per injection.
- An initial assessment and education services at a cost of \$155.19 per 1-hour session.

The pilot program will address the need to provide effective treatment for individuals who suffer from severe opioid use disorder by using long-acting injectable Buprenorphine instead of a daily dose of oral Buprenorphine. Daily dosing with oral buprenorphine is an effective treatment, however many individuals lack the social supports to utilize that option effectively and safely. Long-acting injectable Buprenorphine provides an even more effective option that these individuals can safely utilize. The program will provide residential, intensive outpatient and outpatient treatment, depending on individual needs and progress, concurrently with the administration of the long-acting Buprenorphine. No patient will receive medication without concurrent substance use disorder treatment at BARC.

#### **Background**

Opioids, mainly synthetic opioids, are the main driver of drug overdose deaths responsible for 47,600 overdose deaths in 2017 (67.8% of all drug overdose deaths). The epidemic continues to worsen with the evolution of synthetic opioids. Because long term abstinence remains elusive for many suffering from moderate/severe opioid-use disorder, intensified prevention and response measures are urgently needed to curb deaths involving prescription and illicit opioids, like illegally manufactured fentanyl.

Annually, BARC provides a comprehensive array of services to 3,400 individuals with substance use disorders especially opioid use disorder, which is far reaching. In 2017, a total of 2,367 overdoses were treated in the emergency room. Heroin accounted for 85% of those cases. Increasing recovery would reduce those visits. As the

Department of Health (Broward County) reports, there is a correlation between risky sexual behavior and opioid misuse. It stands to reason that reducing opioid abuse will decrease the number of unwanted pregnancies, sexually transmitted diseases, hepatitis A, hepatitis C, and HIV.

BARC has integrated Medication-Assisted-Therapy (MAT) into the treatment regimen and has found success in the use of daily treatment with oral naltrexone. However, participation is limited by daily reporting requirements and success rates are reduced with poor treatment adherence. Studies have found that long-acting formulations like buprenorphine result in increased treatment adherence and patient retention.

## VI. STATEWIDE APPROPRIATIONS REQUESTS

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*The Board **SUPPORTS** the recurring, continued and/or increased funding for the following statewide programs, which have significant local economic, health, and safety impacts countywide.*

### **Challenge Grant Program Funding |\$5 Million**

The need to support individuals experiencing homelessness is more critical than ever. The Challenge Grant Program authorized by s. 420.622(4), F.S., assists the local homeless Continuum of Cares (CoC) in meeting the needs of individuals and families experiencing homelessness as identified in the CoC Plan. Statutory language also provides that each CoC may be awarded up to \$300,000, annually. Funds are utilized for housing navigation, as it is a priority identified in the updated CoC plan. In 2019, the number of unsheltered homeless persons increased by 484, totaling 1,350 individuals – a 64 percent increase from the previous year (2018).

### **Use of Funds and Implementation**

The funds are administered through subrecipients for the purposes of funding housing navigation services through for individuals experiencing homelessness in Broward County. In FY 2019-20, Broward County received \$119,000, which is not enough to service the number of homeless individuals in the community. In order to effectively service the number of homeless individuals in Broward, a minimum of \$300,000 should be allocated to the County from the recurring statewide budget allocation.

Full funding will allow the County to retain two Full Time Equivalents (FTE), who search for housing options for individuals experiencing homelessness. The funds also assist with client incidentals to assist with move-in costs and prevent a return to homelessness. As a result of a reduction in funding, the number of individuals served has decreased. In FY 2018, 196 households were served compared to 185 in FY 2019.

### **Background**

There are 27 CoCs throughout Florida. Permanent Housing and Rapid Rehousing providers make referrals to the Housing Navigators through the Homeless Management Information System (HMIS) in order to gain assistance in locating rental units. The Housing Navigators have access to various landlords who are familiar with the homeless population and are willing to be flexible in assisting the tenants.

Generally, the Challenge Grant Program is fully-funded at \$5 million. However, in FY 2018-19, the grant was funded at \$3.5 million. There was some difficulty receiving funds timely, as the budget failed to include proviso language authorizing the Department of Economic Opportunity to transfer funds to the Department of Children and Families (DCF).

During the 2019 Legislative Session, \$3.2 million was allocated statewide – this is still not enough. In Broward County alone, the 2019 Point in Time (PIT) count increased by 484 individuals experiencing homelessness. Therefore, there is a need to fully restore the Challenge Grant in order to meet the housing demands of individuals and families experiencing homelessness.

**Florida Resilient Coastline Initiative Funding (FRCI) | \$10 Million \*UPDATED\***

*Coral reefs are not only a vital natural resource supporting rich, unique habitats, but also support a vibrant diving and fishing industry and provide important protection to beaches and coastal property by attenuating the energy of storm surges and waves produced by tropical storms and hurricanes.*

**Use of Funds and Implementation**

Continued recurring funds are necessary to assist local governments with storm resiliency, sea level rise planning, coastal resilience projects, and coral reef health.

**Background**

During the 1970s, between one and two million tires were put in the ocean off Broward County’s coastline to create an additional fish habitat. This is known as the Osborne Reef and over the years, many of the tires shifted around due to tropical storms and hurricanes. This movement has and continues to cause damage to nearby existing coral reefs. The threat is serious, but the complexity and magnitude of the challenge of removing these tires have prevented any individual government agency from doing so. With the funding obtained in past years, the County has been successful in removing a total of 300,000 tires.

Recently, several varieties of coral reefs, found off the South Florida coast, have been suffering from a mysterious and devastating coral disease epidemic. This endemic disease was first reported off the coast of Miami-Dade County in 2014, this outbreak now spans from the northern extent of the reef tract in Martin County down to Sand Key in the Lower Keys. Like the Osborne Reef Tire Removal project, the recurring funds for Water Quality Monitoring and Coral Reef Disease research are still needed, as the causes and possible solutions to the outbreak have yet to be identified.

Coral reefs are a valuable natural resource. They protect our coastline by reducing wave energy from storms and hurricanes. One study estimates that annually over 5,600 people, \$560 million worth of building infrastructure, and \$320 million worth of economic activity in Florida are protected from storm-related flooding by reefs. Additionally, millions of tourists enjoy recreational activities on our coral reefs. It is estimated that the coral reefs between Martin and Miami-Dade Counties generate \$3.4 billion in sales and income and support 36,000 jobs in the region each year.

**Home Health and Community Based Services Funding | \$22.4 Million**

*Historically, Home and Community Based Services for seniors have been funded at a deficit. More importantly, the Florida Department of Health (DOH) reported on July 28, 2020 that Florida had an average of 10,294 COVID-19 cases per day over the past seven days. The DOH also stated that the Center for Disease Control reported that the official COVID-19 death total for Florida reached 6,586 on July 29, 2020, of which 2,997 deaths of Florida residents occurred in Miami-Dade, Broward and Palm Beach Counties. Statistics indicated that 82 percent of residents who have died were 65 or older. Additionally, 2,921 deaths have occurred from residents and staff of nursing homes and long-term care facilities, a figure that represents 44 percent of the state total for coronavirus deaths of residents.*

<i>Program Name</i>	<i>FY 20-21 Request</i>	<i>FY 21-22 Request</i>
<b>Alzheimer’s Disease Initiative</b>	<b>\$ 4,200,498</b>	<b>\$ 4,043,938</b>
<b>Community Care for the Elderly</b>	<b>\$ 14,394,275</b>	<b>\$ 16,726,566</b>
<b>Home Care for the Elderly</b>	<b>\$ 812,196</b>	<b>\$ 1,639,362</b>

**Use of Funds and Implementation**

According to the actual care plan cost averages, a funding increase will most likely provide the County with \$1.9 million, of which 230 of the County’s most frail and vulnerable seniors will be served. As of June 30, 2020, there

were 67,406 Floridians languishing on the Department of Elder Affairs Assessed Prioritized Consumer List, of which 2,732 are Broward County residents.

## **Background**

### *Florida's Alzheimer's Disease Initiative (ADI)*

The ADI provides services to meet the changing needs of individuals and families living with Alzheimer's disease and similar memory disorders. The ADI respite care is available for caregivers of adults age 18 and older, who have been diagnosed as having probable Alzheimer's disease or other related memory disorders, where mental changes appear and interfere with daily activities. Respite services include in-home, adult day care, emergency, and extended care (up to 30 days) for caregivers who serve patients with memory disorders. The ADI also provides for support services including case management, specialized medical equipment and supplies, caregiver counseling and support groups, and caregiver training.

### *Community Care for the Elderly (CCE)*

CCE provides community-based services organized in a continuum of care to help functionally impaired elders live in the least restrictive, yet most cost-effective environment suitable to their needs. Eligible clients may receive a wide range of goods and services, including: adult day care, adult day health care, case management, case aide, chore, companionship, consumable medical supplies, counseling, escort, emergency alert response, emergency home repair, home-delivered meals, home health aide, homemaker, home nursing, information and referral, legal assistance, material aid, medical therapeutic services, personal care, respite, shopping assistance, transportation, and other community-based services.

### *Home Care for the Elderly (HCE)*

HCE supports care for Floridians age 60 and older in family-type living arrangements within private homes, as an alternative to institutional or nursing home care. A basic subsidy averaging \$106 per month is provided for all program participants. Special subsidies are authorized for some consumers and can be used for incontinence supplies, medications, medical supplies, wheelchairs, assistive devices, ramps and home accessibility modifications, nutritional supplements, home health aide, home nursing, and other services to help maintain the individual at home. Formal case management is provided when needed.