

Board of County Commissioners
Leon County, Florida

Workshop on 2009 State and Federal Legislative Priorities

October 14, 2008
1:30 – 3:00 p.m.

Leon County Board of County Commission Chambers
Leon County Courthouse, 5th Floor

Board of County Commissioners

Workshop Request

Date of Meeting: October 14, 2008

Date Submitted: October 8, 2008

TO: Honorable Chairman and Members of the Board

FROM: Parwez Alam, County Administrator
Vincent Long, Deputy County Administrator 
Ken Morris, Assistant to the County Administrator 

SUBJECT: Workshop on 2009 State and Federal Legislative Priorities

STATEMENT OF ISSUE:

This workshop seeks Board consideration of the state and federal legislative priorities to guide the County's lobbying efforts for the 2009 state legislative session and the first session of the 111th Congress.

BACKGROUND:

Historically, the Board has conducted a workshop with staff on legislative priorities to guide the County's lobbying efforts. In recent years, staff has utilized this forum to receive Board direction on and approval of priority legislative issues to guide the County's lobbying efforts at both the state and federal level.

ANALYSIS:

Upon the close of the state legislative session each year, staff solicits legislative appropriations and policy requests from the County's departments. A follow-up working session is conducted with staff to compile a proposed list of new policy issues and appropriations requests, as well as others sought in previous sessions, for Board consideration. Staff has identified 8 appropriation requests for the 2009 state and federal legislative cycles. (please see Attachment #1). Additionally, staff has identified 19 policy statements for the 2009 state legislative session. (please see Attachment #2).

Rather than ask the Board to rank projects in priority order, staff is seeking Board assent to the state and federal substantive and appropriations issues presented here to be included in the County's 2009 State and Federal Legislative Programs. Upon Board approval, staff and contract lobbyists will pursue all of the legislative issues approved by the Board, and in so doing, place appropriate priority on the issues given the opportunities that arise during the legislative process. Notwithstanding this, staff will assign priority to any issue that the Board directs to receive a special level of attention in 2009. Staff would also like to welcome the addition or deletion of issues that the Board deems appropriate for our 2009 legislative efforts.

It is important to note that in addition to the specific Leon County issues identified herein by staff, much of the County's legislative efforts each session are focused on statewide issues in conjunction with the Florida Association of Counties (FAC). FAC will finalize their 2009 legislative program during their legislative conference on November 21, 2008. These issues are often times the most critical issues facing the County during the state legislative session. The Board will have an opportunity to communicate its legislative priorities prior to the 2009 legislative session, when the

County hosts the Leon County Legislative Delegation for a public hearing in the Leon County Commission Chambers prior to the legislative session. It is important for the Board to be active participants in the legislative process by testifying on behalf of the County and working with the Legislative Delegation. Staff will continue to keep the Board involved in legislative issues through agenda items, resolutions, memorandum, "call to action" emails, and weekly *Capital Updates* throughout session.

**PROPOSED LEON COUNTY 2009 STATE & FEDERAL LEGISLATIVE SESSION:
Appropriation Requests**

(Please Note: For complete information on each, see Attachment #1.)

The Board's practice of retaining professional contractual lobbying services, at both the state and federal levels, is based primarily on increasing the County's chances of obtaining legislative appropriations. Staff works throughout the year to identify County projects for which to submit state and federal appropriation requests. The 2009 appropriation requests identified below include costly capital projects ranging from increased funding for stormwater and transportation projects to public safety needs. In order to maximize the chances for state and federal funds, the County has partnered with the City on several projects important to the community including joint dispatch, Capital Circle Southeast, and Capital Cascades Trail, while lending support to the Tallahassee Memorial Hospital in hope of obtaining funds for a regional trauma center.

One of the most important appropriation requests that the County has targeted for state and federal funding is the joint dispatch center. At the Board's 2006 Annual Retreat, the Board directed staff to pursue a joint dispatch center to ensure that the closest available unit is dispatched to an emergency, reducing the response time during a critical emergency in a coordinated manner. The County has been working with the Leon County Sheriff's Office and the City of Tallahassee under a Memorandum of Agreement with future intentions of executing an interlocal agreement. The proposed joint dispatch center will improve the coordination of both emergency and non-emergency calls for efficient deployment of public safety resources. The County and City will submit a joint appropriation request because of the county-wide nature of this project and in order to coordinate and maximize our legislative efforts.

In 2005, the Legislature created the Transportation Regional Incentive Program (TRIP) to improve regional transportation facilities through a partnership of local governments, the state, and the private sector. Under TRIP, FDOT may provide up to 50 percent of project costs for regional projects such as Capital Circle Southeast. The County has had success during the past several years in securing TRIP funding for priority projects including \$11.3 million for Capital Circle SE. The County will continue to seek state funding under TRIP as part of the 2009 legislative cycle, as well as seek federal funding for these Board priorities.

The County has had recent success in obtaining state grants for its parks and library programs. The Parks and Recreation Division has applied for a grant under the Florida Department of Environmental Protection's Florida Recreation Development Assistance Program (FRDAP) for the renovation of the Tower Road Park. The program provides a 100% match for acquisition,

development, and improvement of land for public outdoor recreation. The Board has previously authorized staff to submit the grant application for the Tower Road Park. Staff will monitor the Legislature's ability to dedicate funds during the 2009 session to the FRDAP program for the renovation of the Tower Road Park.

The County will also apply for a Department of State Public Library Construction Grant by the April 1, 2009 deadline for the Southeast branch library. However, the County will not be eligible for grant funds until the 2010 legislative session. The County was forced to return the grant originally awarded by the state because of the delays associated with the County's Capital Improvement Program.

The following is the proposed Leon County 2009 State and Federal appropriation requests:

<u>Leon County/ City of Tallahassee Joint Dispatch Center</u>	\$5,000,000
Construction of a new facility \$2 million set aside by County	
<u>Capital Circle Southeast</u>	\$6,750,000
Woodville Hwy to Crawfordville Rd - Construction Blueprint 2000 will provide the required match	
<u>Capital Cascades Trail - Segment 3</u>	\$2,500,000
Construction of wet detention pond Reduce flood elevation on south side of Downtown Tallahassee	
<u>Woodville Highway</u>	\$11,400,000
Construction from Gaile Ave. to Capital Circle Widen from two lanes to four lanes	
<u>Lake Jackson Ecopassage</u>	\$5,000,000
Construction of an ecopassage under U.S. 27 FDOT provided \$440,000 for feasibility study	
<u>Lake Munson</u>	\$4,000,000
In-Lake Restoration and Sediment Removal Sediment removal to improve lake water quality	
<u>Woodville Sewer</u>	\$2,000,000
Design of Woodville Sewer System \$250,000 provided to project by FL Legislature (2007)	
**Tower Road Park (FRDAP)	\$200,000
Renovations to include multi-use field, restroom/shelter, parking, drainage correction, and equipment upgrades	

** FRDAP Grant Application

PROPOSED LEON COUNTY 2009 STATE LEGISLATIVE SESSION
Policy Requests

(Please Note: For complete information on each, see Attachment #2)

Like most legislation, much of the County's legislative efforts are incremental and focused on issues that are built upon throughout several sessions. However, each year staff evaluates the trends and issues affecting all County programs and services to identify potential policy or "substantive" legislative issues. Significant substantive issues that have been identified for County participation range from the protection of charter county home rule to property tax reform; from continued state funding for state aid to libraries grant programs to increased funding for mental health services. The state's current fiscal challenges and revenue shortfalls are likely to dominate the Legislature's time this year. It will be important for the lobbying team to monitor the budgetary and programmatic decisions made by the Legislature to determine their effect, if any, on local governments in the form of cost shifts or additional responsibilities.

In addition to the substantive issues identified by the County, staff works daily with FAC and the Florida Association on Intergovernmental Relations (FAIR) to identify developing issues that effect counties during session's quick pace. In many cases, the County joins FAC and FAIR members to advocate for or against initiatives that would substantially impact counties (*Please note: FAIR members are representatives of local governments from across the state.*) It is also important to note that the Deputy County Administrator, Vincent Long, is the 2009 Chairman of the Legislative Policy Committee for the Florida City and County Manager's Association (FCCMA). As such, he will be coordinating the legislative policy efforts of the city and county managers throughout the state. Please find below a listing of the proposed Leon County 2009 state legislative session policy requests. Each request provides a brief overview of the issue and indicates the specific legislative action recommended:

Section I. Finance and Tax

Property Tax Reform

Issue: After two consecutive years of property tax reform legislation, the Legislature has yet to resolve the inequities of the property tax system. The 2007 legislative rollback and the 2008 Legislature's support of Amendment 1 have left public desire for additional reform efforts. Several legislative leaders have publicly supported additional property tax reform efforts that do not resolve the tax inequities, such as the 1.35% tax limitation and the elimination of the "Recapture Rule." The Recapture Rule is a component of Save Our Homes designed to recapture the taxable value of homestead property in a declining market.

Action: Staff recommends that Leon County support legislation that would provide an equitable tax system for all types of property owners and oppose property tax reform efforts that would significantly restrict the ability of counties to

provide high quality services and address critical community needs. In addition, staff recommends the Board to oppose any legislation that would erode local home rule by turning over the allocation of property tax revenues to the Legislature. Staff also recommends that the Board monitor the elimination of the recapture rule and defer taking a position on the issue until the legislation is considered in 2009.

Local Business Taxes

Issue: At the February 27, 2007 workshop on economic development issues, the Board identified the local business tax as a potential dedicated funding source for economic development. The current local business tax in Leon County is \$25 a year and is governed by section 205.033, F.S., prohibiting the County from increasing the tax by more than 5% over a two year period by supermajority vote. In addition, current law provides a time certain window, now expired, for Dade County and surrounding counties to increase the local business tax by 50% to fund an economic development organization.

At the economic development workshop, the Board directed staff to pursue an amendment to section 205.033, F.S., which would allow Leon County to increase the local business tax up to 50%, to be dedicated to an economic development organization.

Action: Staff recommends the Board withdraw this issue from its annual legislative priorities due to several factors beyond the County's control. First, Amendment 1 has placed a greater tax burden on businesses forcing the Board to readdress its position on the local business tax. Second, the local EDC is not supportive of this issue despite the fact that it would provide a dedicated revenue source for economic development. Third, the combination of the recent economic uncertainty of the national market and a proposed tax on businesses would create severe opposition in the local business community.

2005 Lobbying Gift Ban

Issue: In December 2005, the Legislature enacted the "gift ban law." The law prohibits legislators and staff from accepting gifts, including food and drink, from lobbyists and/or organizations that are represented by lobbyists on state matters. On July 10, 2007, the Board approved an agreement between the Tourist Development Council and Florida State University for an economic analysis of the 2005 Florida gift ban law on the local economy. The study found a \$4.1 million negative impact to the local economy during March and April of 2007 due to the lobbying gift ban.

Action: Staff recommends the Board, in partnership with the City, local business community, and the Leon County Legislative Delegation pursue a legislative remedy to offset the negative impact on the local economy.

Section II. Growth Management, Environment, Transportation & Infrastructure

Growth Management Reform

Issue: The 2005 Legislature passed Senate Bill 360, including significant growth management reforms ranging from school planning to water supply funding. The Board has held several workshops on the implementation of SB 360 and also hosted its first-ever "Smart Growth Summit" on June 7, 2006, to give the community an opportunity to interact firsthand with local and state planning and growth management officials. More recently, the 2008 Legislature considered growth management legislation that would have created blanket transportation concurrency exemption areas for all urban infill and redevelopment areas. In addition, the proposed legislation would have removed the exemption of urban services boundaries from amendment reviews by DCA. Although there were several attempts between local governments, DCA, and the development lobby to resolve some of the contentious issues, these parties were unable to reach a compromise and the legislation was not adopted.

Action: Continue to monitor growth management issues, advocate the County's position, and coordinate with the Florida Association of Counties and County's Planning Department.

Energy Efficiency

Issue: Leon County has been a leader in the State of Florida in addressing the need for reductions in greenhouse gases. Initiatives to reduce greenhouse gases at the state and federal level are now starting to come to fruition, however collaborative efforts with local governments are rare or established in the form of unfunded mandates.

Action: Support programs and grant opportunities that promote energy efficiency and sustainability without placing unfunded mandates on local governments.

SIS Funding

Issue: Legislators created the Strategic Intermodal System (SIS) in 2003 to improve the system by which state road projects are prioritized for funding. During the 2004 regular session, a funding mechanism for this system was designated. In 2005, FDOT awarded \$42.6 million in SIS funding for the advanced right of way purchase for the widening of Capital Circle SW. Later that year, FDOT designated Mahan Drive as an SIS Connector.

Action: Support continued funding for county transportation projects through SIS.

TRIP Funding

Issue: In 2005 the Legislature created the Transportation Regional Incentive Program (TRIP) under SB 360 to improve regionally significant facilities in "regional transportation areas." The program, administered by FDOT,

provides a 50% match in state funding to local governments and the private sector for critically needed projects that benefit regional travel and commerce. On November 8, 2005 Capital Circle Southeast from Woodville Highway (State Road 61) to Tram Road received \$4.3 million in TRIP funding for right-of-way acquisition. The project received an additional \$7 million for construction in the spring of 2006.

Action: Support continued funding for county transportation projects through TRIP.

Section III. Health and Social Services

Mental Health

Issue: Improve the shortage of local treatment opportunities and reduce the number of mentally ill in the county jail. On September 11, 2007, the Board adopted an Enabling Resolution to establish a Criminal Justice, Mental Health, and Substance Abuse Reinvestment Advisory Council in order to apply for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant created by the 2007 Legislature. The County was awarded an implementation grant for mental health services in the amount of \$792,624 over a three-year period.

Action: Support continued funding of the Criminal Justice, Mental Health, & Substance Abuse Reinvestment Grant Program for counties and any other opportunities to expand mental health care services across the region.

Section IV. Public Safety

County Jail

Issue: Jail Overcrowding

Action: Support the Florida Association of Counties and the Florida Sheriff's Association in their efforts to reduce county jail population, including state violators of probation (VOP) inmates in county jails.

Probation

Issue: Jail Overcrowding

Action: Monitor any changes affecting house arrest and support its expanded allowable use as a condition of probation in misdemeanor and traffic offenses.

Issue: Pretrial Release

Action: Monitor any changes to statutes affecting pretrial release and advocate continued support for program.

Issue: Juvenile Justice Funding

Action: Monitor funding levels and the potential reduction of local alternative and prevention programs to ensure that no further burden for treatment and prevention of juveniles is shifted to counties (a \$90 million cost shift to counties for DJJ costs was approved in 2005).

State Jail

Issue: Prison Overcrowding

Action: The funding responsibility of this proposal and the supervision of inmates have yet to be determined but staff will monitor this issue to gauge its effect on the County.

Emergency Medical Services Employees

Issue: The 2005 Legislature passed a bill that provides individuals the authority to use deadly force or cause great bodily harm to someone who unlawfully enters a dwelling. An exemption is provided for law enforcement officers entering a dwelling in accordance with his/her official duties. However, an exemption does not exist for EMS personnel.

Action: Support the changing of the exemption language to include all public safety officials and first responders.

Section V. General Government

Protection of State Workforce

Issue: State workers comprise a substantial percentage of Leon County's population, contributing to our community, economy and diversity. In a year that brought a reduction in state revenue and significant budget challenges, the Legislature was unable to provide state employees a raise or bonus, except for state troopers, who received a 5% increase in their salaries. The bulk of the workforce reductions were concentrated in courts and corrections with the elimination of 199 probation officer positions, 129 vacant public defenders positions, and 259 vacant state attorney positions. Due to the state's significant budget shortfalls, it is likely that there will be a reduction in the state workforce for the second consecutive year.

Action: Monitor this issue and advocate for the continued protection of the state workforce.

Libraries

Issue: The State Aid to Libraries allocations to Leon County have declined through the years even though local expenditures for library services have increased. The Operating Grants for State Aid to Libraries have declined from a state

match of 7.7% on the local dollar to 3.9% from the state for every local dollar for the past six years.

Action: Continue to support full or expanded funding for State Aid to Libraries.

Conflict Counsels

Issue: During the 2007 legislative session, the Legislature passed SB1088 creating five Criminal Conflict and Civil Regional Counsels to handle cases when the public defender has a conflict of interest. The bill requires counties to provide facilities, security, technology, and communication needs under Article V of the state constitution. As the host of the second judicial circuit, Leon County is responsible for an estimated 22 additional state employees. The estimated cost to provide these 22 employees with the services outlined in Article V is \$300,000 annually.

Per the Board's direction, the County partnered with FAC and 24 other counties to challenge the funding requirements for the conflict counsels. The County filed the suit on July 28, 2009 and will be represented by private counsel.

Action: Continue to work with the Florida Association of Counties to oppose cost shifts and support the elimination of private conflict counsels.

Section VI. Statewide Issues

State Cost Shift Opposition

Issue: The 2004 Legislature passed a bill shifting \$90 million in state costs for the predisposition of juvenile offenders to counties. This legislation will impact Leon County annually, and resulted in a \$1.4 million expense in 2005 alone. In 2005, the Legislature upheld the cost shift despite counties' strong opposition. In 2007 the Legislature created the Public Defender Conflict Counsels, requiring counties to bare the burden of providing facilities, security, technology, and communication needs under Article V of the state constitution.

Action: Support the continued state funding of state programs and oppose any cost shifts to counties.

Charter County Preemption

Issue: Charter county authority was challenged during the 2006 legislative session by the Florida League of Cities. On April 11, 2006, the Board adopted Resolution #R06-13 to urge the Florida Legislature to oppose legislation that would limit, restrict, or preempt charter county home rule authority. The Florida League of Cities is expected to pursue charter preemption legislation

for the 2009 legislative session but it is too early to determine how contentious the issue will be next year.

Action: Coordinate with the Florida Association of Counties and charter counties to oppose charter county preemption legislation.

Budget Adoption

Issue: Florida Statutes requires county budget officers to submit the tentative budget no later than 15 days after the certification of value. This makes it extremely difficult to get the budget document finalized for distribution to county commissioners.

Action: Pursue statutory changes to allow for county budget officers to submit the tentative budget 30 days after certification of value by the property appraiser.

Florida Association of Counties (FAC) Issues

Issue: FAC represents all 67 counties at the Legislature on issues that have broad statewide appeal, such as the opposition of unfunded mandates or cost shifts to counties (such as the \$90 million DJJ cost shift that was passed in 2005), growth management, annexation, revenue-sharing, and water management issues. FAC will finalize their 2009 legislative program during their legislative conference scheduled for November 19 - 21, 2008.

Action: Support the 2009 FAC legislative program unless specific issues conflict with the County's issues.

FEDERAL LEGISLATIVE ISSUES:

The first session of the 111th Congress is expected to begin in early January of 2009. The Board's practice has been to focus the County's federal legislative program on appropriations issues. At the Board's request, the federal appropriation requests have been combined with the state appropriations request (Page #3 of the Analysis Section). Most substantive issues that the County has at the federal level are coordinated through our National Association of Counties (NACO) representation.

In recent years, Patton Boggs has pursued substantive issues on behalf of the County from time to time. Patton Boggs has been assisting staff on an endeavor that was brought to the County's attention by the U.S. Forest Service (USFS). On April 6, 2006, the USFS informed the County that a 114-acre parcel, near the corner of Capital Circle and Woodville Highway, is no longer manageable as a national forest, and planned to sell the property upon Congressional authorization. The USFS intends to use the proceeds of the sale to purchase additional environmentally sensitive lands in North Florida.

County staff identified the 114-acre parcel as a prime property for the relocation of the North Florida Fairgrounds. The relocation of the Fairgrounds has been an ongoing effort of the County and a key component of Leon County's Southern Strategy to reinvigorate the south side of Leon County. Should the Fairgrounds be relocated to this parcel, North Florida residents would enjoy better access to the Fairgrounds via Capital Circle, Woodville Highway/Monroe St., Crawfordville Highway, and Interstate 10.

Patton Boggs worked with the USFS to successfully pass this legislation in the U.S. House on December 17, 2007. Senate approval is required during next month's lame-duck session to authorize USFS to surplus the property. If the Senate does not take up the issue during its next session, staff will review other opportunities to acquire this property.

Patton Boggs has also been lobbying Congress on an important regional transportation issue. On April 22, 2008, the Board directed the Chairman to send a letter to Congressman Boyd in support of restoring passenger rail service to the region. On June 11, 2008, the U.S. House approved a massive transportation bill that would require Amtrak to submit a plan to Congress for restoring passenger rail service between New Orleans and parts of Florida. The Senate concurred with the House version, giving Amtrak nine months to submit a plan to Congress detailing how it will restore passenger rail service to the region. The President has indicated that he will veto the Amtrak bill but Patton Boggs speculates that he may sign it in the next few weeks.

Staff continually works with Patton Boggs throughout the year to advocate for the County's targeted appropriation requests. Staff coordinates weekly with Patton Boggs by phone and e-mail to strategize on key federal budget issues and to identify new federal grant funding that could potentially fund County project requests. In addition, Patton Boggs works with the County to identify additional grant sources and has been submitting monthly memoranda to update the Board on their federal lobbying activities in order to further improve communication between the Board and their federal lobbying firm.

In an October 7, 2008 memo to the Board, Patton Boggs provided an update on the upcoming reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), set to expire on September 30, 2009. The 2009 reauthorization of SAFETEA-LU is an important opportunity for the County to seek federal funds for needed transportation infrastructure. Patton Boggs was critical to the County's success in 2005 in acquiring \$16.1 million of SAFETEA-LU funding for the widening of Capital Circle NW from I-10 to U.S. 90.

The Board's contract with Patton Boggs is scheduled to expire on December 31, 2008. Based on the Board's direction at the September 16, 2008 Commission meeting, staff will bring an agenda item to the Board after the 2008 presidential election for direction on federal lobbying services.

OPTIONS:

- 1) Approve the 2009 state legislative issues and 111th Congress (1st session) federal legislative issues as presented.
- 2) Approve the 2009 state legislative issues and 111th Congress (1st session) federal legislative issues as amended by the Board.
- 3) Board Direction.

RECOMMENDATION:

Option #2.

Attachments:

- #1: 2009 State and Federal Legislative Session Appropriation Request Forms and Related Materials.
- #2: 2009 State Legislative Session Policy Request Forms and Related Materials.
- #3: Patton Boggs update on SAFETEA-LU reauthorization.

2009 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Administration Contact: Alan Rosenzweig

Phone: 606-5100 Fax: 606-2101 E-Mail: Rosenzweig@leoncountyfl.gov

Project Title: Leon County/City of Tallahassee Joint Dispatch Center

1. Project Description:

On December 13, 2006, Leon County, the Leon County Sheriff, and the City of Tallahassee executed a Memorandum of Agreement to pursue a joint dispatch center for the purposes of dispatching all law enforcement, fire, and emergency medical services.

2. Purpose of Project and Outcome Expected:

Currently, the City of Tallahassee dispatches Tallahassee law enforcement officers and firefighters while the Sheriff's Office dispatches Sheriff Deputies and EMS personnel. The joint dispatch center will ensure that the closest available unit is dispatched to an emergency, reducing the response time during a critical emergency in a coordinated manner.

3. Service Provided/Benefit to State:

This project will improve the coordination of both emergency and non emergency calls for efficient deployment of public safety resources. A joint dispatch center is in the best interest of the health and safety of the community.

4. Population Served:

All Leon County and City of Tallahassee residents, transients, and visitors.

5. Projected Dates for Construction/Operation:

The City and County are reviewing potential location sites for the proposed joint dispatch center. Based upon funding, construction could begin in early 2009.

6. Funding:

Federal Funding Requested (as applicable): **\$5,000,000**

State Funding Requested (as applicable): **\$5,000,000**

Present or Pending Funding Sources (including county): **\$2,000,000**

2009 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Blueprint 2000 Contact: Jim Davis

Phone: 701-2740 Fax: 701-2790 E-Mail: james.davis@Blueprint2000.org

Project Title: Capital Circle Southeast

1. Project Description:

The project is to widen approximately 1.3 miles of the existing two-lane segment of Capital Circle Southeast from Woodville Highway to Crawfordville Road to multi-lane urban principal arterial. The project also includes significant landscaping as well as bicycle and pedestrian amenities.

2. Purpose of Project and Outcome Expected:

Capital Circle is a major arterial roadway circling the Tallahassee urban area. It links a major expressway (Interstate 10) with US 27 and US 90, and US 319. Segments of Capital Circle have been widened with a significant portion of the improvements being either directly funded or advance-funded by the City of Tallahassee or Leon County.

The total construction cost of the project is \$12 million. Blueprint 2000 has provided \$1.4 million for design. In addition, \$6.75 million is available for construction. The remaining balance of the project for construction cost is \$6.75 million which is has been submitted for TRIP funding.

3. Service Provided/Benefit to State:

The Tallahassee and Leon County Commissions through their "Southern Strategy" are attempting to spur economic growth in the southern area of the City and County with a combination of roadway improvements, sector planning efforts, growth management and economic incentives. This project also provides a much needed connector between the Tallahassee Regional Airport, US 27 and US 90 East, which provides access to Interstate 10. This also serves as one of the primary evacuation routes from the central coastal panhandle.

4. Population Served:

The segment of Capital Circle (SR 261) under application is the segment from Woodville Highway to Crawfordville Road. All regional coastal residents of neighboring counties will benefit from this project. The current Annual Average Daily Traffic count is 10,400 and is expected to increase to 31,100 by the year 2030.

5. Projected Dates for Construction/Operation:

Construction would commence once funding is available with a duration of 18-24 months. This is contingent on funding of the current \$6.75 million deficit.

6. Funding:
Federal Funding Requested (as applicable): **\$6,750,000**
State Funding Requested (as applicable): **\$6,750,000**
Present or Pending Funding Sources (including county): **\$6,750,000**

2009 Appropriation Request Form

Attachment # 1
Page 4 of 16

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Blueprint 2000 Contact: Jim Davis

Phone: 891-1880 Fax: 891-1885 E-Mail: james.davis@Blueprint.2000.org

Project Title: Capital Cascade Trail Segment 3

1. Project Description:

This project is for the construction of a 2.5 acre Open Water Lake (wet detention pond) referred to as the Coal Chute Park facility located just west of Railroad Square as part of the Capital Cascade Trail Segment 3 phase.

2. Purpose of Project and Outcome Expected:

This wet detention facility will provide flood relief and water quality treatment for the St. Augustine Branch Ditch -- listed as an impaired water body by the U.S. Environmental Protection Agency (USEPA) for Nutrients and Coliform.

3. Service Provided/Benefit to State:

The wet detention pond will provide substantive reductions in the flood elevations for the 25 and 100 year 8 hour storm events from the existing conditions. The normal pool elevation of this wet pond is 60.0 feet with at least a 6 foot depth and will also provide a park-like environmental while also serving to provide a level of water quality treatment. The treatment efficiency is determined by taking the total volume proposed within the facility and dividing by the total contributing area. Based on this formula, the pond will provide approximately 4-5 acre-ft of treatment as a wet detention facility and provide a mass load reduction of 2-3% according to the Water Quality Model.

4. Population Served:

This improvement will serve the southside of Downtown Tallahassee including the area universities - Florida A&M University and Florida State University. The water retention facility is consistent and congruent with infrastructure improvement projects such as the Gaines Street Revitalization.

5. Projected Dates for Construction/Operation:

The retention facility is currently at 30% design and will continue to move forward to 100% design over the next 12-18 months. The required Right-of-Way is already in the process of being acquired. Several parcels needed for this improvement are currently in government ownership by Leon County and the City of Tallahassee. Depending on funding, construction of this 2.5 acre Open Water Lake could begin by September 2010.

6. Funding:

Federal Funding Requested (as applicable): **\$2,500,000**

State Funding Requested (as applicable): **\$2,500,000**

Present or Pending Funding Sources (including county):

2009 Appropriation Request Form

Attachment # 1
Page 5 of 16

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: CRTPA Contact: Harry Reed

Phone: 891-6815 Fax: 891-6809 E-Mail: Harry.Reed@talgov.com

Project Title: Woodville Highway

1. Project Description:

This project is for the construction of Woodville Highway to widen the existing two-lane segment to four lanes from Gaile Avenue to Capital Circle.

2. Purpose of Project and Outcome Expected:

Woodville Highway connects to major arterials systems including Capital Circle and Monroe Street and serves as a major evacuation route from the Coastal Highway (US 98). This road is frequented by residents of Wakulla County that work in Leon County. It is anticipated that the volume of traffic will continue to increase as the Capital Circle Office Complex, which houses a number of state agencies, continues to expand.

Funding has been identified for a corridor study, PD&E study and for design. During the FY 06/07 budget process the Board budgeted \$2.1 million for Woodville Highway. On September 18, 2007, the Board approved a Joint Project Agreement with FDOT to perform a PD&E study for a portion of Woodville Highway from Gaile Avenue to Capital Circle. On March 11, 2008, the Board authorized the expenditures of funds up to \$175,000 to match funds from FDOT to perform a Corridor Master Plan for a portion of Woodville Highway from Gaile Avenue to Commerce Boulevard.

This project is #5 on the CRTPA Priority Project List. At the completion of this project it is anticipated that there will be significant improvement in commuter access through southern Leon County and northern Wakulla County, improved freight movement from the coast and improved hurricane evacuation options.

3. Service Provided/Benefit to State:

Leon County and the City of Tallahassee through their joint "Southern Strategy" are attempting to spur economic growth in the southern area of the city/county with a combination of roadway improvements, sector planning efforts, growth management and economic incentives. Woodville Highway also serves as one of the primary evacuation routes from the central coastal panhandle.

4. Population Served:

All regional coastal residents of neighboring counties will benefit from this project. The current Annual Average Daily Traffic count is 12,900. This road serves as one of two links to the coast via Wakulla County.

5. Projected Dates for Construction/Operation:
Due to the time necessary for the corridor study, project design, and right-of-way acquisition, construction commencement will be determined by FDOT.

6. Funding:
Federal Funding Requested (as applicable): **\$11,400,000 for Construction**
State Funding Requested (as applicable): **\$11,400,000 for Construction**
Present or Pending Funding Sources (including county): **\$2.1 million**

Attachment: CRTPA Project Priority List

Capital Region Transportation Planning Agency
 Major Priority Project List
 Fiscal Years 2009 - 2013

2007 Ranking	Roadway	Project		To	Lanes		Next Phase for Funding
		From	To		Existing	2030	
1	Mahan Drive (US 90)	Dempsey Mayo Rd	Walden Road		2	4	Construction
2	Crawfordville Road (US 319)	Munson Slough	LL Wallace Road		2	4	Construction
3	Capital Circle, NW/SW	US 90	Orange Avenue		2	4/6	Construction
4	Crawfordville Road (US 319)	LL Wallace Road	Buck Miller Road		2	4	ROW
5	Woodville Highway (SR 363)	Tiram Rd	Capital Circle, SE		2	4	PD&E
6	Pensacola Street (SR 366)	Appleyard Drive	Blountstown Highway		2	4	Design
7	Capital Circle, SE/SW	Woodville Highway	Crawfordville Rd		2	6*	ROW
8	Capital Circle, SW	Crawfordville Rd	Orange Avenue		2	4/6	Design
9	Woodville Highway (SR 363)	Capital Circle, SE	Natural Bridge Rd		2	4	PD&E
10	Blountstown Highway (SR 20)	Capital Circle, NW	Aemon Church Rd		2	4	Design
11	Orange Avenue (SR 373)	Springhill Rd	Adams Street		2	4	Design
12	Capital Circle, NW (SR 263)	Gearhart Road	US 27		2	4	PD&E
13	Monroe Street (US 27)	Interstate 10	Crowder Road		4	6	PD&E
14	Apalachee Parkway (US 27)	Blair Stone Road	Capital Circle, SE		4	6	Design

* - Capital Circle, SE/SW has an interim 4-lane improvement currently proposed.

2009 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: _____

Department/Division: CRTPA Contact: Harry Reed

Phone: 891-8600 Fax: 891-8734 E-Mail: Harry.Reed@tal.gov.com

Project Title: Lake Jackson Ecopassage

1. Project Description:

Lake Jackson is a 4,000-acre sinkhole lake in northwestern Florida located seven miles north of Tallahassee, Florida in the Ochlockonee River basin and is considered one of Leon County's most precious natural resources due to its designation as an Aquatic Preserve by the State of Florida. This ecosystem was designated in 1974 as the Lake Jackson Aquatic Preserve "for the primary purpose of preserving and maintaining the biological resources in their essentially natural condition."

The water level of Lake Jackson fluctuates widely and is controlled naturally by rainfall and by two primary sinkholes (Porter Hole and Lime Sink). During drought conditions, a lowering of the water table causes leakage into the groundwater through the sinkholes and most of the lake bottom dries, an event that occurred eight times during the 20th century (1907, 1909, 1932, 1935, 1936, 1957, 1982, and 1999) and once during the 21st century (2002), drying every 12.5 years on average. Normal annual water level fluctuations and periodic natural dry-downs cause wildlife to attempt to migrate across the road.

During the drought of 1999-2000 in North Florida, Lake Jackson dried completely causing a mass exodus of thousands of animals that attempted to migrate to Little Lake Jackson which is directly across North Monroe Street (US 27). Since February of 2000 over 9,200 vertebrate animals of 57 different species (not including birds) have been documented attempting to cross the 3/4-mile section of North Monroe Street (US 27) at Lake Jackson.

In order to prevent a massive road mortality of migrating animals, a temporary fence using silt fence material was constructed that directed animals into an existing culvert under the road. A 3,000-foot fence along North Monroe Street (US 27) north was completed in April 2000 and has been monitored 2-4 times per day since construction. A second fence, (2,000 feet in length) was constructed along North Monroe Street (US 27) south to intercept animals that attempted to migrate across the road when Lake Jackson refilled. It too has been monitored 2-4 times per day since construction. Animals were hand-collected as they moved along the fences, measured, transported by hand across the highway, and released into the water. In 33 months, over 8,000 reptiles and amphibians were saved from a potential deadly situation trying to cross North Monroe Street (US 27) by these temporary fences. However, more than 600 reptiles and amphibians were still road-killed during this period.

North Monroe Street (US 27) is a four-lane road that was built directly across a 3/4-mile portion of northwest Lake Jackson, isolating part of the lake to the west now known as Little Lake Jackson, and creating a barrier to movements of a wide range of wildlife. This road connects North Florida and South Georgia to Interstate 10 with approximately 21,500 vehicles per day utilizing the corridor in the study project area. The project area is defined as a 4,000-foot section of US 27 that was built across the Lake Jackson basin including adjacent wetland and upland habitats.

2. Purpose of Project and Outcome Expected:

To address the wildlife mortality, habitat fragmentation, and traffic safety concerns, the Florida Department of Transportation (FDOT) has provided funding to prepare a Lake Jackson Ecopassage Feasibility Study to lay the groundwork (including conceptual plans) for the development of an ecopassage where North Monroe Street (US 27) crosses the Lake Jackson basin.

The intention of the Feasibility Study Project was not to single out a specific species of animals for which to provide a mitigative action(s), but to study the existing conditions of animal and vegetative habitats, hydrological conditions, and roadway conditions. The project provided the necessary documentation to the FDOT and Federal Highway Administration (FHA), which ensures this project complies with all Florida and Federal codes and regulations as they pertain to environmental, transportation, and public involvement. The Feasibility Study Project was completed in November of 2004. The PD&E study was completed in January 2007 and was approved by FHA.

With the completion of the Feasibility Study Project and the PD&E study, the Ecopassage is eligible for federal funding. In 2006, the Lake Jackson Ecopassage received \$440,000 from the FDOT for design. The design phase commenced in August 2007 and is expected to be completed by July 2009.

3. Service Provided/Benefit to State:

The Lake Jackson ecosystem is a valuable biological, aesthetic and recreational resource of Leon County and the State of Florida. This ecosystem was designated as the Lake Jackson Aquatic Preserve for the primary purpose of preserving and maintaining the biological resources in their essentially natural condition. The expansive freshwater marshes and native submerged vegetation provide exceptional fish, waterfowl and wading bird habitat. Lake Jackson is internationally known for sport fishing and its trophy largemouth bass. In addition, the lake generates several million dollars annually for the Tallahassee and Leon County area. The completion of this project allows for Lake Jackson to continue as an aquatic preserve through the preservation of the wildlife that assists in maintaining the ecosystem.

Additionally, wildlife "trespassing" on to US 27 represents a major threat to motorist safety. For example, many adult turtles weigh at least 5 to 10 pounds and are essentially "rocks in the roadway." When turtles are hit they can act as dangerous projectiles, causing serious damage to vehicles and injury to occupants. Without a proper guide-wall to keep wildlife off of the highway, there is serious potential for vehicle accidents on a stretch of highway with 21,500 vehicles per day.

4. Population Served:

From a transportation perspective, on a daily basis there are 21,500 vehicles on the road at this location. If each car has 1.5 people (on average) that population reaches 32,250 people per day just for motorists.

From an environmental perspective, the entire community (255,000+) benefits from having a healthy lake system that feeds directly into the Florida Aquifer. From a recreational perspective there are several thousand people that utilize the lake for fishing, boating, and swimming purposes.

5. Projected Dates for Construction/Operation:

Based upon the acquisition of funding, the County is scheduled to move forward with the design of the ecopassage.

6. Funding:

Federal Funding Requested (as applicable): **\$5,000,000**

State Funding Requested (as applicable):

Present or Pending Funding Sources (including county):

2009 Appropriation Request Form

Attachment # 1
Page 11 of 16

Please Check: Federal Appropriation: _____ State Appropriation: X

Department/Division: Public Works Contact: Joe Brown

Phone: 606-1518 Fax: 606-1501 E-Mail: BrownJoe@leoncountyfl.gov

Project Title: Lake Munson In-Lake Restoration Project

1. Project Description:

Lake Munson is an impounded water body which receives surface flow from approximately 32,000 acres. The lake was once a viable wildlife habitat and recreational site in the heart of the Wakulla Springs Springshed. The water leaving Lake Munson flows through the Apalachicola National Forest before entering the Floridan Aquifer directly at Ames Sink. Recent dye-trace studies indicate that water entering Ames Sink reaches the Wakulla Springs system within 22 days.

Decades of development in the Tallahassee Red-Clay Hills, wastewater treatment facilities discharging to the tributary system, and drainage activities focused on flood reduction contributed to Lake Munson's decline. Ultimately, Lake Munson was ranked as Florida's 7th most degraded water body in 1982.

The lake is currently listed as a Verified Impaired Water by the Florida Department of Environmental Protection. In October 2008 the US Environmental Protection Agency (USEPA) proposed a Total Maximum Daily Load (TMDL) for corrective action for Lake Munson. The TMDL calls for the reduction of nutrients throughout the Lake Munson basin. The in-lake restoration project is a necessary component to achieve nutrient reduction in Lake Munson.

Leon County has been a leading partner in the restoration efforts of Lake Munson. Development ordinances enacted by the County and City have significantly reduced the sedimentation from development activities upstream. Retrofit stormwater management facilities continue to be constructed in the tributary system to capture runoff prior to entering the lake, as recommended in the 1992 Northwest Florida Water Management District (NFWMD) Diagnostic Feasibility Report.

Upper Lake Munson Restoration Project

The County's \$13.4 million Upper Lake Munson Restoration Project - Phase 1 involved the construction of Lake Henrietta, restoration of wetlands, stabilization of Munson Slough south to Lake Munson, and the removal of the 39-acre trash and sediment delta at the mouth of the lake. Partners included the City and the Apalachicola National Forest, with funding provided by the Florida Fish and Wildlife Conservation Commission, the USEPA Section 319(h) grant program, and the Federal Hazard Mitigation Grant Program. The successful completion of this effort in 2002 set the stage for removal of the nutrient-laden sediments from the lakebed.

2. Purpose of project and outcome expected:

In-Lake Restoration Project

The Lake Munson In-Lake Restoration Project focuses on enhancing the lake water quality and adjacent habitat, reducing flooding, reducing groundwater impacts at Ames Sink (ultimate discharge point), and increasing recreation opportunities. Water quality improvements were achieved with the upstream stormwater facilities, but the lake remains shallow due to the sediment layer. The shallow water heats rapidly and limits recreational boating on the lake, while the sediment continues to release nutrients and other contaminants back into the water column. Sediment removal is a key factor in achieving the lake restoration. The NFWFWMID report previously mentioned, also identified the nutrient-laden sediments in the lake as a substantial pollution source and recommended removal.

The massive volume of the sediment, estimated at 1.2 million cubic yards total, creates a challenge in locating interim handling sites and final disposal locations. Chemical contamination must be addressed through targeted sampling for special handling and disposal. A phased project is recommended to allow for proper handling of all material. Phase 1 targets 36 acres in the vicinity of the public boat ramp and park, adjacent to the dam which is being rehabilitated under a separate County project.

3. Service Provided/Benefit to State:

Completing the sediment removal will improve the lake water quality, and will reduce the contamination of the Floridan Aquifer from the lake discharge. Substantial increases in recreation can be expected, with the Apalachicola National Forest along the west shoreline.

4. Population Served:

The entire Leon County community (272,000+) will benefit from the improved lake system, particularly with respect to the groundwater impacts from the discharge to the Floridan Aquifer.

5. Projected Dates for Construction/Operation:

Based upon the acquisition of funding, the County is scheduled to move forward with the sediment sampling, disposal site acquisition, permitting, and contract procurement.

6. Funding:

Federal Funding Requested (as applicable):

State Funding Requested (as applicable): **\$4,000,000 for Sediment Removal for In-Lake Restoration**

Present or Pending Funding Sources (including county):

2009 Appropriation Request Form

Attachment # _____
Page 13 of 16

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Public Works/Engineering Services Contact: Tony Park/Joe Brown

Phone: 606-1500 Fax: 606-1501 E-Mail: tonyp@leoncountyfl.gov

Project Title: Woodville Sewer Project

1. Project Description:

This project is for the design of a sewer system to provide sewer services to approximately 1,432 homes or properties located within the Woodville area of Leon County. These homes are located upstream to Wakulla Springs and threaten one of the world's largest and deepest freshwater springs.

2. Purpose of project and outcome expected:

Providing sewer service will eliminate the need for septic tanks which, in the event of failure, can cause environmental concerns and impacts.

3. Service Provided/Benefit to State:

The Leon County Comprehensive Plan provides that all waste water is to be treated and disposed of in a manner that protects natural resources and public health. (Note: The State of Florida has acquired more than half of the 6,500 acre buffer zone around Wakulla Springs acknowledging the importance of preserving this natural habitat).

4. Population Served:

Approximately 1,500 homes directly impacted in Leon County. Wakulla Springs is also home to a state park that has thousands of visitors each year.

5. Projected Dates for Construction/Operation:

During the County's FY 07/08 budget workshop, the Board discontinued the funding of non-mandatory capital projects. A number of sewer projects were approved for discontinuation including the Woodville project. Due to the time necessary for the studies, project design, and right-of-way acquisition, construction may not commence for several years.

6. Funding:

Federal Funding Requested (as applicable): **\$2,000,000**

State Funding Requested (as applicable):

Present or Pending Funding Sources (including county): **\$250,000 from the Florida Legislature**

2009 Appropriation Request Form

Attachment # 11
Page 14 of 16

Please Check: Federal Appropriation: _____ State Appropriation: X

Department/Division: PW - Parks & Rec Contact: Pat Plocek

Phone: 606-1475 Fax: 606-1471 E-Mail: plocekp@leoncountyfl.gov

Project Title: Tower Road Park Renovations - FRDAP Grant

1. Project Description:

This project is the renovation of the Tower Road Park. Work will include the renovations of the multi-use field, restroom/shelter, parking, drainage correction, and renovations to the playground.

2. Purpose of project and outcome expected:

The present multi-use field is low and has a bad drainage issue. This project will correct this issue so that the field drains after rains. The project will also provide a needed restroom for the site.

3. Service Provided/Benefit to State:

This park is used year round for youth sports which include baseball, football, and soccer. This project will correct issues which will allow these activities to continue without the loss of time due to wet conditions.

4. Population Served:

The park serves 1/5 of the population of Leon County.

5. Projected Dates for Construction/Operation:

Construction could start October 2009.

6. Funding:

Federal Funding Requested (as applicable):

State Funding Requested (as applicable): FRDAP - \$200,000

Present or Pending Funding Sources (including county): \$200,000

Attachment: Agenda Item #14 from July 22, 2008.

Board of County Commissioners Agenda Request 14

Date of Meeting: July 22, 2008

Date Submitted: July 16, 2008

To: Honorable Chairman and Members of the Board
From: Parwez Alam, County Administrator
Alan Rosenzweig, Assistant County Administrator
Tony Park, P.E., Director of Public Works
Subject: Adoption of a Resolution for Submittal of a Florida Recreation Development Assistance Program Grant Application for Tower Road Park

Statement of Issue:

This item seeks Board adoption of a Resolution supporting staff's submittal of a Florida Recreation Development Assistance Program (FRDAP) Grant application for renovations of the Tower Road Park (Attachment #1).

Background:

The FRDAP is a competitive program which provides grants to local governmental entities for development of land for public outdoor recreational use or to construct recreational trails, and may provide a maximum match up to \$200,000.

Analysis:

The park facilities at Tower Road were built in 1998. The park does not have a restroom and has significant drainage problems on the multi-use field.

At the Budget Workshop on July 9, 2008, the Board voted to include Tower Road Park in its Capital Improvement Program (CIP) for the coming fiscal year. It was determined that approximately \$54,000 would be carried forward from FY 07/08, and an additional \$250,000 would be programmed for FY 08/09.

The funding would be used to provide a new restroom/shelter, new parking, renovations to the playground equipment, and renovations to the drainage system and the multiuse field. Submitting the FRDAP application will allow the County to compete for matching funds up to a maximum of \$200,000. The entire project is projected to cost approximately \$461,000 for construction and \$43,000 for design. The State requires that the Grant application be submitted no later than September 30, 2008. Historically, the Parks & Recreation Division tries to submit these grants by September 1st to give the State time to review and suggest changes prior to the September 30th deadline because no revisions can be made after that date.

Should the grant be accepted, funds to proceed with construction would be available after July 1, 2009.

Options:

1. Adopt the Resolution supporting the submittal of a Florida Recreation Development Assistance Program Grant application for Tower Road Park.
2. Do not approve the Resolution supporting the submittal of a Florida Recreation Development Assistance Program Grant application for Tower Road Park.
3. Board Direction.

Recommendation:

Option #1.

Attachment:

1. Resolution

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 1 of 24

Department / Division: County Administration Contact Person: Ken Morris

Phone: 606-5300 Fax: 606-5301 E-Mail: morrisk@leoncountyfl.gov

Topic: Property Tax Reform

Problem/Need:

After two consecutive years of property tax reform legislation, the Legislature has yet to resolve the inequities of the property tax system. The 2007 legislative rollback and the 2008 Legislature's support of Amendment 1 have left public desire for additional reform efforts. The Taxation and Budget Reform Commission's proposal (Amendment 5) to replace the Required Local Effort (RFE) with other revenues has been removed from the November 2008 ballot. Several legislative leaders have publicly supported additional property tax reform efforts that do not resolve the tax inequities. Below is a description of two proposals anticipated for consideration during the 2009 legislative session.

1.35% Property Tax Limitation

The 1.35% property tax limitation is a proposed constitutional amendment that would limit the amount of ad valorem taxes collected by local governments on all properties to a total of 1.35% of the taxable value. This would equate to 13.5 mills and give the Legislature the authority to distribute the revenues among the local governments including school districts.

This proposal has been led by a citizen's petition campaign group called *Cut Property Tax Now*. Unable to gather enough signatures to place the proposal on the November 2008 ballot, the group turned to the Legislature for placement on the November 2008 ballot. The House passed the proposed constitutional amendment but the Senate did not take it up. The House is likely to take this proposal up again in 2009 and *Cut Property Tax Now* continues to collect signatures for the November 2010 ballot.

1.35 would erode local home rule by turning over the allocation of property tax revenues to the Legislature. Despite having passed 1.35 in the House in 2008, legislators were unable to determine how the Legislature would distribute the 13.5 mills in revenues. The Office of Economic & Demographic Research estimates at least a \$6 billion reduction in revenues for local governments by the year 2011 if this proposal is approved by voters.

Recapture Rule

Save Our Homes limits the annual assessment increases for homestead properties to no more than the increase in the Consumer Price Index (CPI) or 3%, whichever is lower. When there is a reduction in the market value of a homestead property, the assessed value will still increase by 3% or CPI. This is referred to as the "Recapture Rule" which is designed to recapture the taxable value of homestead property that has been exempted by

Save Our Homes. This allows the assessed value to catch up to the market value, with exception to the homestead exemption, after a period of strong growth in values as was the case in recent years with the housing boom in Florida.

It is clear that there will be an attempt to eliminate the Recapture Rule during the 2009 legislative session but there are several variables that will be debated:

- 1) Is a constitutional amendment required since the Recapture Rule involves Save Our Homes? Opinions vary whether or not the Legislature has the authority to eliminate the Recapture Rule or if this issue needs to be placed on the 2010 ballot for voter approval.
- 2) What happens to the taxable value of a homestead property when the market value declines? Staff must wait until a bill is filed to determine how the elimination of the Recapture Rule would work. For example, if the market value decreases by 10% does that mean the taxable value will decrease by 10%? Perhaps there would be a proposal to maintain the taxable value rather than increase it by 3% even when there is a reduction in the market value.

Recommended County Position, Recommended Change in Florida Statutes:

Staff recommends that Leon County support legislation that would provide an equitable tax system for all types of property owners and oppose property tax reform efforts that would significantly restrict the ability of counties to provide high quality services and address critical community needs. In addition, staff recommends the Board oppose any legislation that would erode local home rule by turning over the allocation of property tax revenues to the Legislature. Staff also recommends that the Board monitor the elimination of the Recapture Rule and defer taking a position on the issue until the legislation is considered in 2009.

Attachment: EDR's Financial Impact Statement on 1.35%

FINANCIAL IMPACT ESTIMATING CONFERENCEFINANCIAL IMPACT STATEMENT1.35% PROPERTY TAX CAP, UNLESS VOTER APPROVED, #07-27

The amendment will reduce annual total school, county, municipal and special district property tax revenues by at least \$6 billion, or 17%, based on 2007 (non-school) and 2008 (school) tax rates. Legislative implementation will likely produce greater reductions and will determine how each type and unit of local government is affected, but these impacts cannot be determined without legislative action. Local government expenditures will be reduced unless replacement revenues are enacted.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 4 of 24

Department./ Division: Administration Contact Person: Vince Long/Ken Morris

Phone: 606-5300 Fax: 606-5301 E-Mail: morrisk@leoncountyfl.gov

Topic: 2005 Lobbying Gift Ban

Problem/Need

At the 2007 Annual Board Retreat, the Board discussed the impact of the 2005 gift ban law on the local economy and expressed a desire to support legislation that would alleviate the negative impact of the gift ban law on local merchants. Each year, many statewide associations, local governments, and business groups converge on the Capitol to lobby legislators on their particular issues. Often times, these groups host multi-day events and evening events to meet with legislators in a less formal setting, requiring hotel accommodations for these groups. Since the implementation of the gift ban law, many legislators and staff avoid these events because they are prohibited from accepting food and beverages unless the event is free and open to the public. For this reason, several groups cancelled or shortened their annual legislative events in 2006 and 2007.

Senator Lawson filed a bill on February 15, 2007 to prevent the gift ban law from applying to annual events held within the Tallahassee Downtown Improvement Authority but withdrew the bill the following week. The bill was intended to relieve local businesses from the consequences of the 2005 gift ban bill and encourage legislator participation in annual events. Senator Lawson's office recommended that the County, City, and local business community study this issue further to quantify the impact of the 2005 gift ban before approaching the Legislature next year.

On July 10, 2007, the Board approved an agreement between the Leon County Tourist Development Council and Florida State University for an economic analysis of the 2005 Florida gift ban law on the local economy. The study found a \$4.1 million negative impact to the local economy during March and April of 2007 due to the lobbying gift ban. With the analysis in hand, Senator Lawson and Representative Ausley filed legislation in 2008 that would have exempted food and beverages from the gift ban that are associated with events, meetings, and functions that serve a legislative, community, or governmental purpose not to exceed a total value of \$19. Neither chamber considered the legislation in 2008.

Recommended County Position, Recommended Change in Florida Statutes:

The 2005 lobbying gift ban is an important economic issue for the local community. Staff recommends the Board, in partnership with the City, local business community, and the Leon County Legislative Delegation pursue a legislative remedy to offset the negative impact on the local economy.

Attachment: FSU Analysis of the 2005 Lobbying Gift Ban

**Estimated Economic Impact of the
Florida Gift Ban Law upon
Tallahassee/Leon County, Florida**

Attachment # 2
Page 5 of 24

Prepared by:

**Mark A. Bonn, Ph.D.
Dedman Professor in Services Management
College of Business
Florida State University
Tallahassee, Florida 32306
(850)-644-8244**

and

**Julie Harrington, Ph.D.
Center for Economic Forecasting
Florida State University**

Prepared for:

**The Leon County Tourist Development Council
106 E. Jefferson Street
Tallahassee, Florida 32301
(850) 488-3990**

October 19, 2007

Introduction & Methodology

Attachment # 2
Page 6 of 24

The Florida Gift Ban Law is an act "relating to registration and reporting requirements for legislative lobbyists and lobbyist of the executive branch and Constitution Revision Commission," which was approved in December 2005 and went into effect January 1, 2006. The Florida Gift Ban Law consists of requirements as such:

- Principal¹ upon the registration of the principal lobbyist to identify the principal's main business.
- Lobbying firm and principal must maintain certain records and documents for a specified period.
- Lobbying firm has to file quarterly compensation² reports.
- Lobbying firm has to report certain compensation information in dollar categories and specific dollar amounts.
- Prohibiting lobbying expenditures, except for certain floral arrangement and celebratory items.
- Prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm.

The purpose of this study was to determine the extent that the Florida Gift Ban Law has impacted Tallahassee/Leon County businesses during legislative session occurring in March and April, 2007. In an effort to achieve the study objectives, a data collection instrument was developed specific to the study in order to estimate the total economic impact of the Florida Gift Ban Law. In order to capture responses from businesses directly affected by the Gift Ban Law personal interviews were randomly conducted with Tallahassee/Leon County business owners and operators representing very specific economic categories of Leon County as categorized by the IMPLAN Professional® software program, a widely accepted economic model used throughout the U.S. by many counties conducting economic value research. The economic categories as reported in IMPLAN used for this study represented fourteen sectors and a total of 139 businesses. From this list, thirty-three percent (n=46) of these businesses were contacted at random. A total of 36 businesses agreed to provide data based upon confidentiality of the information. This resulted in a usable response rate of twenty-six percent. The following business categories were represented in the study:

1. Transit and Ground Transportation (Taxi Services)
2. Transit and Ground Transportation (Limousine Services)
3. Transit and Ground Transportation (Rental Auto Services)
4. Scenic and Sightseeing Tours
5. Couriers and Messengers (Couriers/Delivery)
6. Couriers and Messengers (Florist)
7. Miscellaneous Stores Retail (Bars & Pubs)

¹ Principal: refers to the person, firm, corporation, or other entity that has employed or retained a lobbyist.

² Compensation: refers to a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.

8. Miscellaneous Stores Retail (Lounges)
9. Specialized Design Services (Event Planning)
10. Specialized Design Services (Meeting Planning Services)
11. Specialized Design Services (Party Planning Services)
12. Specialized Design Services (Party Supplies)
13. Hotels and Motels
14. Food Services (Restaurants)

Since the enactment of the Florida Gift Ban Law, numerous and continuous claims of lost business revenue by local Leon County business owners have been expressed publicly. The main cause of this situation is attributed to the inability of lobbyists to expend their business dollars on services related to lobbying legislators using establishments and businesses owned and managed by local service providers. Although activity related to this situation occurs throughout the year, most of these dollars are typically spent during legislative session. Spending creates what is known as the multiplier effect, whereby in this application, lobbyist dollars transgress throughout the entire local economy. This becomes possible, for instance, as initial lobbying dollars are spent in Leon County places of business for legislative lobbying purposes in such establishments as local restaurants, nightclubs, catering services, hotels, etc. Lobbying dollars that are received by local employees working in our area businesses are subsequently spent by our paid workforce at many other places of businesses throughout the county (i.e. grocery stores, gas stations, shopping malls, etc., etc.) This behavior starts a chain reaction of dollars that are virtually turning over, or multiplying, within our community. In the case of Leon County, each lobbyist dollar spent creates a multiplier of 1.45, as calculated by the IMPLAN software program. This indicates that for every \$1.00 entering our economy contributed by lobbyists for paid activities related to lobbyist spending, it produces a total positive income change of \$1.55. This study analyzed lobbyist spending as a direct result of the Florida Gift Ban Law and determined that **Tallahassee/Leon County lost more than \$4.1 million, or slightly more than \$500,000 each week of session due to lack of total lobbyist spending during March and April of 2007.**

Related Evidence

Many business owners and operators expressed their concern with lost business opportunities due to the Gift Ban Law above and beyond those absolute dollars they were able to document. In essence, the inability to introduce local business products and services to potentially new customers through lobbyist spending for events and other activities is immeasurable, but indeed exists. Historically, when lobbyists prior to the Gift Ban Law provided services, many first time users of local products and services experiencing satisfaction from service providers, returned as repeat customers. There was an indirect marketing effect created through positive word of mouth by new customers creating additional business for many of the responding companies. Although this cannot be validated without further research, we believe it to be credible information. It should be noted that the economic analysis for this project took a more "conservative" approach and did not examine or include this intangibility factor. Satisfied customers lead to lifetime relationships that create profits and revenues for businesses. Without

the ability to provide access to local businesses through lobbyist spending, economic loss is certain to some unknown degree at this time.

IMPLAN Economic Impact Analysis

The IMPLAN program is widely accepted by researchers because it uses multipliers for specific outputs to estimate impact visitor spending has upon labor, income and employment. The economic impact for the Florida Gift Ban on the Tallahassee/Leon County region calculated by using IMPLAN is summarized in Table 1 below. The total impact on output decline (Direct + Indirect + Induced) of all lobbying expenditures during March and April 2007 is more than \$4.1 million. According to IMPLAN, the \$4.1 million output decline would have supported 74 existing employees at an average annual compensation loss of \$17,973 (\$1.33/74) assuming this trend continues year-round.

Table 1
 Florida Gift Ban Economic Impact Analysis for Legislative Session, 2007

Gift Ban IMPLAN Analysis³		Direct	Indirect	Induced	Total	Multiplier
All Business Sectors	Output (\$mil)	\$3.02	\$0.57	\$0.55	\$4.14	1.45
	Labor Income (\$mil)	\$0.97	\$0.18	\$0.18	\$1.33	1.55
	Employment	63	5	6	74	1.59

³Florida Gift Ban Economic Analysis conducted with 2004 Leon County IMPLAN data.

Glossary of Economic Impact Terms

- ⊛ *Direct effect:* production changes associated with changes in demand for the good itself; it is an initial impact on the economy.
- ⊛ *Employee compensation:* wage and salary payments as well as benefits, including health and life insurance, retirement payments and other non-cash compensation.
- ⊛ *Employment multiplier:* for every million dollar change in final-demand spending (direct output), the change in employment (jobs).
- ⊛ *Indirect effect:* the secondary impact caused by changing input needs of directly affected industries (e.g., additional input purchases to produce additional output).
- ⊛ *Induced effect:* caused by changes in household spending due to the additional employment generated by direct and indirect effects.
- ⊛ *Labor income:* consists of employee compensation and proprietary income.
- ⊛ *Labor income multiplier:* for every dollar change in final-demand spending (direct output), the change in income received by households.
- ⊛ *Output:* industry output is a measure of the value of goods and services produced in the study area.
- ⊛ *Output multiplier:* An output multiplier for a sector is defined as the total production in all sectors of the economy that is necessary to satisfy a dollar's worth of final demand for that sector's output (Miller and Blair, 1985). In other words, every dollar change in final-demand spending (direct output) changes the total value of output in all sectors.
- ⊛ *Proprietary income:* consists of payments received by self-employed individuals as income. This includes income received by private business owners, doctors, lawyers and so forth.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 10 of 24

Department./ Division: Administration Contact Person: Vince Long/Ken Morris

Phone: 606-5300 Fax: 606-5301 E-Mail: morrisk@leoncountyfl.gov

Topic: Local Business Taxes

Problem/Need

The Board has long maintained a strong focus on expanding economic development and job growth in Leon County. Economic development has consistently been identified as a top priority of Leon County for over a decade. The Board's focus on economic development has resulted in significant programs and initiatives which serve as powerful economic development tools for this community.

On February 27, 2007, the Board held a workshop on economic development issues and identified the local business tax as a potential dedicated funding source for economic development. The current local business tax in Leon County is \$25 a year and is governed by section 205.033, F.S., prohibiting the County from increasing the tax by more than 5% over a two year period by supermajority vote. In addition, current law provides a time certain window, now expired, for Dade County and surrounding counties to increase the local business tax by 50%. At the economic development workshop, the Board directed staff to pursue an amendment to section 205.033, F.S., which would allow Leon County to increase the local business tax up to 50%, to be dedicated to an economic development organization.

During the 2007 legislative session, staff and the County's contract lobbying team prepared an amendment that would have provided a new window of opportunity for all charter counties to increase their occupational license tax up to 50%, subject to a public hearing, to be dedicated to an economic development organization. Subsequently, the County's legislative team met with the Chairman of the Senate Finance and Tax Committee in an effort to amend an existing local business tax bill that was scheduled to be presented to the Committee. However, the Chairman expressed doubts that an amendment to the bill would be supported by the members of his committee. As a result the amendment was not filed for consideration.

Prior to the 2008 legislative session, staff sought local and statewide allies for the Board's position through several meetings with representatives of the Tallahassee-Leon County Economic Development Council (EDC) and the Florida Economic Development Council (FEDC) to garner support from the business community for the County's legislative effort. FEDC serves as the state association for economic development organizations in Florida. The FEDC indicated that it could not support the County's proposal because of its impact on other Florida communities.

Commissioner Desloge and County staff met with the local EDC's Advisory Committee to discuss the County's proposal to establish a dedicated and sustainable funding source for economic development. After a lengthy discussion, the Advisory Committee recommended that

the County consider establishing a dedicated funding source for economic development with existing revenue prior to seeking legislation that would raise the local business tax up to 50%. For the 2008 legislative session, the County's lobbying team was unable to identify a sponsor in the House for the County's proposal so the issue was never considered by the Legislature.

Recommended County Position, Recommended Change in Florida Statutes:

Staff recommends the Board withdraw this issue from its annual legislative priorities due to several factors beyond the County's control. First, Amendment 1 has placed a greater tax burden on businesses forcing the Board to readdress its position on the local business tax. Second, the local EDC is not supportive of this issue despite the fact that it would provide a dedicated revenue source for economic development. Third, the combination of the recent economic uncertainty of the national market and a proposed tax on businesses would create severe opposition in the local business community.

2009 State Legislative Session
Legislative Proposal

Attachment #: 2
Page 2 of 4

Department / Division: Administration Contact Person: Vince Long/Ken Morris

Phone: 606-5300 Fax: 606-5301 E-Mail: morrisk@leoncountyfl.gov

Topic: Growth Management Reform

Problem/Need

The 2005 Legislature passed significant growth management reform, often referred to as SB 360, ranging from school planning to water supply funding. In 2007, the Legislature extended local governments' financial feasibility requirements to a 10 or 15 year planning period to meet school and road concurrency. For example, if a local government does not have complete roadway capacity within five years, it must show a 10 or 15 year priority list to address deficiencies. The deadline for each local government to update its capital improvements schedule to demonstrate financial feasibility was also extended by one year to December 1, 2008.

The 2008 Legislature considered growth management legislation that would have created blanket transportation concurrency exemption areas for all urban infill and redevelopment areas. In addition, the proposed legislation would have removed the exemption of urban services boundaries from amendment reviews by DCA. Although there were several attempts between local governments, DCA, and the development lobby to resolve some of the contentious issues, these parties were unable to reach a compromise and the legislation was not adopted.

The Board has held several workshops on the implementation of SB 360 and also hosted its first-ever "Smart Growth Summit" on June 7, 2006, to give the community an opportunity to interact firsthand with local and state planning and growth management officials. Staff has continued to implement the requirements of SB 360 and will monitor any changes in growth management reform.

Recommended County Position, Recommended Change in Florida Statutes:

Continue to monitor growth management issues and advocate the County's position through the Florida Association of Counties and County's Planning Department.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 13 of 24

Department / Division: County Administration Contact Person: Kim Dressel

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Topic: Energy Efficiency

Problem/Need:

Leon County has been a leader in the State of Florida in addressing the need for reductions in greenhouse gases. Initiatives to reduce greenhouse gases at the state and federal level are now starting to come to fruition; however collaborative efforts with local governments are rare or established in the form of unfunded mandates.

For example, the 2007 Legislature mandated local governments use a nationally recognized green building program when constructing new buildings. In 2008, the Legislature required local governments to achieve a 75% recycling goal of its solid waste by 2020.

Recommended County Position, Recommended Change in Florida Statutes:

Support programs and grant opportunities that promote energy efficiency and sustainability without placing unfunded mandates on local governments.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 14 of 24

Department / Division: Administration Contact Person: Vince Long/Ken Morris

Phone: 606-5300 Fax: 606-5301 E-Mail: morrisk@leoncountyfl.gov

Topic: Transportation Funding: Strategic Intermodal System and Transportation Regional Incentive Program

Problem/Need

Strategic Intermodal System (SIS)

The 2003 Legislature created the Strategic Intermodal System (SIS) to improve the system by which state road projects are prioritized for funding. The 2004 Legislature provided a state funding mechanism for SIS that uses State Transportation Trust Fund dollars to be used, in part, for projects on the SIS, requiring the FDOT to allocate at least 50 percent of any new discretionary highway capacity funds for SIS. Since the 2004 legislative session, CRTPA has developed transportation programs and plans for the metropolitan area in cooperation with the state and with emphasis on all SIS and "emerging" SIS facilities, such as segments of Capital Circle and Mahan Drive.

On November 2, 2005, the Florida Department of Transportation (FDOT) announced that \$42.6 million in SIS funding was awarded for the advanced right of way purchase for the widening of Capital Circle Southwest. On December 21, 2005, FDOT notified staff that it designated Mahan Drive as an SIS Connector, making Mahan Drive available for SIS funds.

Transportation Regional Incentive Program (TRIP)

The 2005 Legislature created the Transportation Regional Incentive Program (TRIP) under SB 360 to improve regionally significant facilities in "regional transportation areas." The program, administered by FDOT, provides a 50% match in state funding to local governments and the private sector for critically needed projects that benefit regional travel and commerce.

On November 8, 2005 Capital Circle Southeast from Woodville Highway (State Road 61) to Tram Road received \$4.3 million in TRIP funding for right-of-way acquisition. The project received an additional \$7 million for construction in the spring of 2006.

Staff will continue to work with key decision makers to place priority County transportation projects on the SIS and TRIP programs to enhance the potential for state transportation funding of these County projects.

Recommended County Position, Recommended Change in Florida Statutes:
Support SIS and TRIP funding for qualifying roads in Leon County.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 15 of 24

Department / Division: Administration

Contact Person: Ken Morris

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Topic: Mental Health Services

Problem/Need

Despite annual funding of the Apalachee Center for Human Services, Inc., there is still a local need to treat mentally ill individuals. The Leon County Jail houses many mentally ill inmates who burden the jail with escalating pharmaceutical costs.

In 2007, Representative Ausley successfully passed HB 1477, creating the Criminal Justice, Mental Health, & Substance Abuse Reinvestment Grant Program for counties. The purpose of the Matching Grant Program is to provide funding to counties to plan, implement, or expand initiatives that increase public safety, and improve the accessibility and effectiveness of treatment services for adults and juveniles who have a mental illness or substance abuse disorders. The Legislature provided \$3.85 million in 2007 to target people who are in, or at risk of entering, the criminal or juvenile justice systems.

On September 11, 2007, the Board adopted an Enabling Resolution to establish a Criminal Justice, Mental Health, and Substance Abuse Reinvestment Advisory Council in order to apply for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant created by the 2007 Legislature. The County was awarded an implementation grant for mental health services in the amount of \$792,624 over a three year period.

Recommended County Position, Recommended Change in Florida Statutes:

Support continued funding of the Criminal Justice, Mental Health, & Substance Abuse Reinvestment Grant Program for counties and any other opportunities to expand mental health care services across the region.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 16 of 24

Department/Division: Administration

Contact Person: Ken Morris

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Topic: Jail Overcrowding, Pre-trial release, Probation and Juvenile Justice funding issues

Problem/Need

Jail overcrowding issues has been one of the Board's top priorities for several years. For fiscal year 2006-2007, the Board allocated \$1.4 million for the renovation of the jail annex. The purpose of the funding was to help alleviate the inmate overcrowding in the jail. In addition, \$300,000 was allocated to the Public Safety Coordinating Council (PSCC) in FY 07, and another \$100,000 in FY 08 and FY 09, in order to review and recommend alternative programs to the Board which would assist in decreasing the jail population.

Recommended County Position, Recommended Change in Florida Statutes:

1) VOPs in the County Jail: An ongoing priority of the Board, the Florida Association of Counties (FAC), and the Florida Sheriff's Association has been to reduce the number of state VOP inmates overcrowding county jails. The Public Safety Coordinating Council (PSCC) monitors this issue on behalf of the Board and makes recommendations to reduce VOP overcrowding by expediting VOP cases. Staff will continue to monitor jail overcrowding issues and support legislation that will reduce the impact of state VOPs in county jails.

2) Expanded Use for House Arrest: Monitor any changes affecting house arrest and support its expanded allowable use as a condition of probation in misdemeanor and traffic offenses.

3) Pre-trial Release Program: Monitor any changes to statutes affecting pretrial release and advocate continued support for program. There has been a national push to eliminate the use of public money for pretrial release programs.

4) Juvenile Justice Funding: Monitor juvenile justice funding levels and the potential reduction of local alternative and prevention programs to ensure that additional burdens for juvenile treatment and prevention is not further shifted to counties (As you may recall, a \$90 million cost shift to counties for predisposition costs of juvenile offenders was approved by the Legislature in 2005).

5) State Jail Proposal: Secretary McNeil of the Florida Department of Corrections (DOC) has suggested that the DOC may file legislation in 2009 to create a state jail system for offenders serving between 12-18 months. The program will target less serious offenders by separating them from the more violent offenders sentenced for a longer period in the state prison system. This program will also keep the offender in or near their home county. The funding responsibility of this proposal and the supervision of inmates have yet to be determined but staff will monitor this issue to gauge its effect on the County.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 17 of 24

Department / Division: Public Service/EMS

Contact Person: Tom Quillin

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Topic: Home Protection – Justifiable Use of Force Chapter 776, F.S.

Problem/Need:

Section 776.013, F.S., provides citizens the authority to use deadly force or cause great bodily harm to an individual who unlawfully enters a dwelling, residence, or vehicle with the intent to harm or kill. Section 776.013 also provides exemptions for authorized use of deadly force, specifically when a law enforcement officer enters the dwelling, residence, or vehicle on official duty. However, this section does not include EMS personnel or any other public safety official.

Paragraph 776.013(2)(d), F.S., reads:

The person against whom the defensive force is used is a law enforcement officer, as defined in s. 943.10(14), who enters or attempts to enter a dwelling, residence, or vehicle in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law or the person using force knew or reasonable should have known that the person entering or attempting to enter was a law enforcement officer.

Recommended County Position, Recommended Change in Florida Statutes:

In 2006, Leon County brought this to the attention of the Florida Association of Counties. For the 2007 legislative session, FAC adopted this issue as one of its legislative priorities and will continue to pursue a statutory change during the 2009 legislative session to include EMS and other public safety officials/first responders under the exemption for use of deadly force.

2009 State Legislative Session
Legislative Proposal

Attachment# 2
Page 18 of 24

Department / Division: Administration Contact Person: Vince Long/Ken Morris

Phone: 606-5300 Fax: 606-5301 E-Mail: morrisk@leoncountyfl.gov

Topic: Protection of State Workforce

Problem/Need

State workers comprise a substantial percentage of Leon County's population, contributing to our community, economy and diversity. Protecting the jobs of these workers from privatization and advocating for fair wages has always been a top priority of the Board during the legislative cycle.

In a year that brought a reduction in state revenue and significant budget challenges, the Legislature was unable to provide state employees a raise or bonus, except for state troopers, who received a 5% increase in their salaries. The bulk of the workforce reductions were concentrated in courts and corrections with the elimination of 199 probation officer positions, 129 vacant public defenders positions, and 259 vacant state attorney positions. Due to the state's significant budget shortfalls, it is likely that there will be a reduction in the state workforce for the second consecutive year.

The Legislature did pass a bill that provides additional protections for career service employees. HB 887 revised the requirements for disciplining career service employees and addresses job security concerns for career service employees seeking promotion opportunities. Senator Dean and Representative Coley, members of the Leon County Legislative Delegation, sponsored this legislation to revise the requirements for disciplining a career service employee by giving the grieving party the ability to appeal. The bill also addressed job security concerns by revising the termination provisions relating to career service employees.

Recommended County Position, Recommended Change in Florida Statutes:

Monitor state workforce issues, and advocate for the continued protection of the state workforce.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 19 of 24

Department / Division: Public Services Contact Person: Helen Moeller

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Topic: State Aid to Libraries

Problem/Need

The previously inherent incentive of the State Aid to Libraries program was to enhance local library services by increasing local expenditures. This resulted in a corresponding increase in state dollars. However, the incentive no longer exists. The State Aid to Libraries allocations to Leon County have declined through the years even though local expenditures for library service have increased. The State Aid to Libraries has declined from a state match of 7.7% on the local dollar to 3.9% from the state for every local dollar from 2002-- 2008.

Public libraries bridge the digital divide by providing computers, internet connections, online reference service 24/7, costly specialized databases, and books in multiple formats to meet the changing needs of the public. Public libraries also provide after school programs and summer reading programs that supplement the state educational system.

Recommended County Position, Recommended Change in Florida Statutes:

Staff recommends that the Board continue to support increased state funding of libraries and stop the decline of the state percentage in State Aid to Libraries.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 20 of 24

Department / Division: Administration Contact Person: Vince Long/Ken Morris

Phone: 606-5300 Fax: 606-5301 E-Mail: morrisk@leoncountyfl.gov

Topic: Public Defender Conflict Counsels

Problem/Need

Prior to the 2007 legislative session, when a public defender had a conflict of interest, private attorneys were used to provide representation for the indigent at a rate set and provided by the state. The cost to the state for these private attorneys has exceeded budgeted forecasts in recent years. In order to control costs for these private attorneys, the 2007 Legislature passed SB 1088, which creates five Criminal Conflict and Civil Regional Counsels to handle cases when the public defender has a conflict of interest. The counsels are considered an element of state court system, thereby creating 384 additional state employees across Florida's 20 judicial circuits to provide legal representation when a public defender has a conflict of interest.

As new employees of the state court system, the bill requires counties to provide facilities, security, technology, and communication needs under *Article V* of the state constitution. Leon County, the host of the second judicial circuit for Franklin, Gadsden, Jefferson, Liberty, and Wakulla Counties, is responsible for approximately 22 additional employees. The estimated cost to provide these 22 employees with the services outlined in *Article V* is \$300,000 annually.

Per the Board's direction, the County partnered with FAC and 24 other counties to challenge the funding requirements for the conflict counsels. The County filed the suit on July 28, 2009 and will be represented by private counsel.

Recommended County Position, Recommended Change in Florida Statutes:

Continue to work with the Florida Association of Counties to oppose cost shifts and support the elimination of private conflict counsels.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 21 of 24

Department / Division: Administration Contact Person: Vince Long/Ken Morris

Phone: 606-5300 Fax: 606-5301 E-Mail: morrisk@leoncountyfl.gov

Topic: State Cost Shifts to Counties/Revenue Shifts

Problem/Need

During a special session in 2004, the Legislature passed a bill shifting \$90 million in state costs for the predisposition of juvenile offenders to counties. Upheld by the Legislature in 2005, this cost shift impacts Leon County's budget annually, and resulted in a \$1.4 million expense in 2005 alone. Staff estimates this cost shift will reach \$2 million in FY 08.

In 2007 the Legislature created the Public Defender Conflict Counsels, requiring counties to bare the burden of providing facilities, security, technology, and communication needs under *Article V* of the state constitution. Leon County, the host of the second judicial circuit for Franklin, Gadsden, Jefferson, Liberty, and Wakulla Counties, is responsible for approximately 22 additional employees. The estimated cost to provide these 22 employees with the services outlined in *Article V* is approximately \$300,000 annually.

Recommended County Position, Recommended Change in Florida Statutes:

As the Legislature crafts the state budget with billions less in revenue from last year, it is important for local governments to monitor potential cost shift of state programs. These cost shift can occur in any field including health and human services (Medicaid), public safety (state jails), or general government. Staff recommends that the Board oppose any state unfunded mandates or cost shifts to counties.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 22 of 24

Department / Division: County Administration

Contact Person: Ken Morris

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Topic: Charter Preemption

Problem/Need

Charter preemption legislation attempts to void any county charter, ordinance, land development regulation, or countywide special act governing the use, development, or redevelopment of land, unless it has been approved by a vote of the electors of the municipality and approved by a vote of the electors of the charter county.

After a contentious battle in 2006 between cities and counties over charter powers, the issue was not debated in 2007 or 2008. The Florida League of Cities is expected to pursue charter preemption legislation for the 2009 legislative session but it is too early to determine how contentious the issue will be during the 2009 session. Should the need arise, FAC will retain contract lobbyists to assist on this issue to oppose charter county preemption legislation.

Recommended County Position, Recommended Change in Florida Statutes:

Coordinate with the Florida Association of Counties and charter counties to oppose legislation that limits, restricts, or preempts charter county home rule authority.

2009 State Legislative Session
Legislative Proposal

Attachment # 2
Page 23 of 24

Department / Division: County Administration Contact Person: Alan Rosenzweig

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Topic: Budget Adoption

Problem/Need

Florida Statutes requires county budget officers to submit the tentative budget no later than 15 days after the certification of value. This makes it extremely difficult to get the budget document finalized for distribution to county commissioners.

Recommended County Position, Recommended Change in Florida Statutes (Include Florida Statute reference, if known):

Change ss. 129.03(3), F.S., to read:

No later than 30 15 days after certification of value by the property appraiser pursuant to s. 200.065(1), the county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the ensuing fiscal year, shall prepare and present to the board a tentative budget for the ensuing fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

2009 State Legislative Session
Legislative Proposal

Attachment # 2

Page 24 of 24

Department / Division: Administration

Contact Person: Vince Long/Ken Morris

Phone: 606-5300

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E-Mail: morrisk@leoncountyfl.gov

Topic: Florida Association of Counties

Problem/Need

FAC represents all 67 counties at the Legislature on issues that have broad statewide appeal, such as the opposition of unfunded mandates or cost shifts to counties (such as the \$90 million DJJ cost shift that was passed in 2005), growth management, annexation, revenue-sharing, and water management issues. FAC will finalize their 2009 legislative program during their legislative conference scheduled for November 19 - 21, 2008.

Recommended County Position, Recommended Change in Florida Statutes:

Support the 2009 FAC legislative program unless specific issues conflict with Leon County's interests.

MEMORANDUM

To: Leon County
From: Patton Boggs LLP
Date: October 7, 2008
Subject: Preparing for the Next Six-Year Federal Surface Transportation and Infrastructure Authorization Act

With the current surface transportation law, *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)*, set to expire on September 30, 2009, the transportation reauthorization policy debate is well underway in this Congress. In fact, the House Transportation and Infrastructure Committee has begun drafting new legislation and plans to publicly release a detailed outline of its reauthorization proposal by January 2009.

This memorandum provides information regarding the current transportation debate on Capitol Hill, emerging themes for the next reauthorization bill, and our recommendations for developing a transportation agenda, including projects and suggested policy changes to pursue. In addition, we have included some general background on SAFETEA-LU, as well as a suggested timeline for internal project consideration and development. Given the call for a fundamental change in federal transportation policy and the increased scrutiny of earmarks, it is important that you begin today to understand how the next surface transportation bill will be structured and to develop project requests based on likely available opportunities.

BACKGROUND ON SAFETEA-LU

SAFETEA-LU authorizes \$286.5 billion in surface transportation programs (including highway, waterway, transit, and rail programs) between FY2005—FY2009, and it is set to expire on September 30, 2009. Although most authorization legislation simply sets policy prerogatives that are subsequently funded through an appropriations bill, SAFETEA-LU (and its predecessors in surface transportation authorization) has the effect of both authorizing and appropriating funds for designated projects included in the bill, which makes it an important piece of legislation in an era where appropriations bills are often not passed in regular order. Because SAFETEA-LU projects are ultimately funded by the Highway Trust Fund (a fund consisting of federal gasoline excise taxes),

the accounts in SAFETEA-LU are guaranteed funding through the period of authorization (2005-2009).¹ Funding for each fiscal year is generally about 20% of the total stated for the 5-year period.²

SAFETEA-LU establishes various accounts through which transportation projects can be funded, each with different purposes and parameters such as funding of high-traffic corridors, urban transit programs, research and development programs, or new rail transit projects. Under certain SAFETEA-LU provisions or accounts, federal funds are targeted or earmarked for specific projects. An earmark is an expressly named project that usually has a particular funding level listed next to the project.

Below is a list and description of the major accounts in SAFETEA-LU that contained earmarks:

- **High Priority Projects** – (\$14.830 billion)³ - The High Priority Projects program is administered by the Federal Highway Administration (FHWA) and a total of 5,091 projects are identified. Projects cover a wide range of activities, including planning and construction of highway roads and interchanges; bridge rehabilitation; traffic calming and reconfiguration; intelligent transportation systems; ferryboats and facilities; streetscaping; trails and other projects. Many of these projects are directed at improving access to a university through such measures as constructing or enhancing roads around a university. In addition, eight university research projects are funded in this account, including research related to alternative fuels, advanced vehicle technology and road engineering, and the earmarks average between \$1 million to \$4 million.
- **Transportation Improvements** – (\$2.556 billion) - The Transportation Improvements program is administered by the FHWA. A total of 466 projects are identified, each with a specified annual amount of funding over the five years of SAFETEA-LU. Universities with transportation-related programs secured a handful of earmarks in this account for research initiatives, with the earmarks in the range of \$1 million to \$3 million.
- **Bus and Bus Facilities** - (\$4.259 billion) – The Bus and Bus Facilities program is administered by Federal Transit Administration (FTA) and provides funding for the acquisition of buses for fleet/service expansion and bus related facilities such as maintenance facilities, transfer facilities, terminals, computers, garage equipment, bus rebuilds, and passenger shelters. Over 600 earmarks are included under this program, but only half of the total funds authorized for this account are earmarked in SAFETEA-LU. The Appropriations Committee has been

¹ Due to various reasons, including less than projected vehicle miles traveled, the Highway Trust Fund is scheduled to run out of funds prior to the expiration of SAFETEA-LU. Currently, Congress is working on legislation to fix the shortfall and ensure the Fund's solvency through October 2009.

² It should be noted that it has been the practice of transportation appropriators to provide additional funding for projects – some of which are authorized by SAFETEA-LU and some of which are not authorized by law – through the annual appropriations process.

³ The number in parenthesis after each program title represents the total dollar amount authorized for the program from FY2005 through FY2009.

earmarking the remaining funds in this account through the annual appropriations process. Most of the university earmarks in this account are for the construction of intermodal facilities and parking garages.

- **Capital Investment** – (\$9.890 billion) – The Capital Investment program is administered by the FTA and provides funding primarily for major fixed guideway capital investment projects (New Starts) and transit capital investment projects of \$75 million or less (Small Starts). Small Starts grants are for capital costs associated with new fixed guideway systems, extensions, and bus corridor improvements.
- **Projects of National and Regional Significance (PNRS)** - (\$1.780 billion) – The PNRS program is administered by FHWA and provides funding for high cost projects of national and regional importance. Eligible costs are development phase activities (including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities) and the costs of construction, reconstruction, rehabilitation, and acquisition of right-of-way, environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements. SAFETEA-LU designated 25 projects as PNRS and allocated the full amount authorized for the program to those 25 projects.
- **National Corridor Infrastructure Improvement** – (\$1.949 billion) – The National Corridor Infrastructure Improvement program provides funding for construction of highway projects in corridors of national significance to promote economic growth and international or interregional trade. The program gives priority to projects in corridors that are part of, or will be part of, the Dwight D. Eisenhower National System of Interstate and Defense Highways, and to projects that will be completed within five years of allocation of funds for the project. SAFETEA-LU designated 33 projects under this program, with funds ranging from \$3 million to \$330 million.

SAFETEA-LU authorizes \$2.3 billion for FY2005 to 2009 for transportation research programs to conduct transportation research aimed at significant research gaps, emerging issues with national implications, and research related to policy and planning. Of that amount, \$76.7 million per year in grants is set aside to establish and operate up to 60 University Transportation Centers (UTCs) throughout the United States. Forty of the centers are located at universities named in SAFETEA-LU, with the balance of the UTCs competitively selected during 2006. To be selected, the centers must be fully integrated within institutions of higher learning and advance the state-of-the-art in transportation research and expand the workforce of transportation professionals through basic and applied research, education, and technology transfer. The universities under this program receive annual grants ranging from \$500,000 to \$3.5 million.

SAFETEA-LU also contains a variety of research grants with six of the grants awarded to specific universities. The research grants in the legislation are directed at thermal imaging, transportation injury, technology transfer, Appalachian region inland ports, automobile accident injury, rural transportation, hydrogen-powered transportation, cold region and rural transportation, advanced vehicle technology, asphalt research, and renewable transportation fuels. The annual university research grants mainly range between \$500,000 and \$1 million.

REAUTHORIZATION – CURRENT DEBATE, THEMES, & CONGRESSIONAL TIMELINE

With SAFETEA-LU set to expire on September 30, 2009, Congress and the Bush Administration are currently discussing policy alternatives for the next surface transportation reauthorization bill. The relevant Congressional committees have already held, and will continue to hold, hearings on various proposals and recommendations. Based on a general sense that the federal transportation program has lost its mission, the committees are reviewing all aspects of the transportation system, including: short- and long-term sources of financing; identification of infrastructure issues of federal interest and standards and accountability for the use of federal funds; consolidation of program categories; freight movement; the treatment and flow of funds to metropolitan areas; the role of transit; climate change; energy; environment; and other issues.

Bush Administration Proposal

On July 29, the Bush Administration released its reauthorization proposal in a report entitled “*Refocus. Reform. Renew. A New Transportation Approach for America.*” This proposal includes a new framework to overhaul the way U.S. transportation decisions and investments are made. Although the proposal was immediately dismissed by Congressional Democrats as irrelevant and not indicative of the likely direction that would be pursued in the reauthorization debate, it is important to note that the plan attempts to refocus the federal role in transportation, improve accountability, increase state flexibility in project decisions, and broaden the funding base for transportation projects. The reform is structured to address highway congestion, inadequate funding sources, spending decisions not based on merit, and rising fuel prices. Specifically, the plan provides:

- **Smaller, more focused federal role.** Most federal formula funds would be focused on: (1) transportation safety; (2) the Interstate Highway System plus other highway facilities of national interest; and (3) major metropolitan areas. Discretionary grant funding would support multi-state corridor projects, bottleneck projects, projects of national or regional significance; and innovative metropolitan responses to urban congestion.
- **A data- and technology-driven approach to safety.**
- **Increased state and municipal flexibility.** States and metro areas would enjoy flexibility to fund their transportation priorities by: (1) consolidating the stove-piped highway and transit programs into three multi-modal funding programs; and (2) allowing a single entity, chosen through consensus, to plan and fund a major metro area’s transportation projects, regardless of mode.
- **More rational and accountable investment decisions.** Transportation investment decisions would be made by: (1) asking states and metro areas to set performance goals and document progress toward meeting those goals; (2) offering the potential for additional federal grant funds to high performing grant recipients; and (3) utilizing benefit-cost analysis for projects receiving substantial federal support.
- **Encouragement of more efficient pricing and leveraging of federal resources.** States and metro areas would be encouraged to utilize innovative transportation financing mechanisms by:

(1) allowing jurisdictions to toll Interstates and other major highways; (2) expanding the use of public private partnerships; (3) broadening the availability of TIFIA credit assistance; (4) make private activity bonds more flexible; and (5) allowing jurisdictions greater flexibility to create and use state infrastructure banks.

- More efficient and effective environmental stewardship.

Emerging Themes for Upcoming Reauthorization Debate

A number of themes are already emerging for the next reauthorization bill. It is clear that, in the short term, the major source of financing will continue to be the gas tax, and the committees are discussing a gas tax increase to provide additional funding. It was once considered a near-certainty that a Democratic Congress would raise the gas tax in the reauthorization bill, but with gas prices hovering around \$4 a gallon there is significant political opposition to any increase. There is interest in establishing a separate freight trust fund paid for by customs fees, container fees, levies on bills of lading, or other freight-related user fees. As the U.S. economy continues to struggle, however, there will be large-scale opposition to the concept of imposing new fees on the business community. There is recognition of the importance of public-private partnership financing and increased use of tolls and congestion pricing (in major urban areas), but Congressional Republicans support those concepts more than most Democrats.

In general, there is likely to be a consolidation of surface transportation programs, and a focus on creating broad programs to implement federal priorities and provide more flexibility for state and local governments to make strategic decisions. For major urban areas, this could result in the direct flow of funds to metropolitan planning organizations and erase the distinction between highway and transit funding. Freight trust funded programs could focus on the most cost beneficial approach to freight movement in a corridor, recognizing rail as well as highway capacity needs and intermodal connections.

Potential Timeline for Reauthorization

The House Transportation and Infrastructure Committee plans to have a detailed outline of its reauthorization proposal by January 2009, regardless of the outcome of the Presidential election. The committee plans to mark-up a bill in the spring and have the bill passed by the House by Memorial Day. Notably, recent changes to the House and Senate Ethics Rules makes it difficult to add earmarks late in the legislative process, so we expect to see project earmarks included in the bills when they reach the House and Senate floor for debate.

The following is an approximate timeline for the next reauthorization bill:

- Congress Discusses Policy Alternatives (Summer/Fall 2008)
- House Democrats Draft a Reauthorization Outline (Fall/Winter 2008)
- New Administration Submits New Transportation Reauthorization Bill (Spring 2009)
- Congress Debates and Marks-up Its Version of Reauthorization Bill (Spring/Fall 2009)

- Final Passage of Transportation Reauthorization Bill (late 2009-2010)

It is important to note that while the House expects to pass its bill by the end of May 2009, the Senate has not announced a similar timetable and often lags far behind the House in passing major legislation on an announced timeline. The next Administration will play an important role in the reauthorization debate and will want to incorporate its policy objectives into the legislation.

In addition, the House schedule is very ambitious since it has the twin goals of moving quickly and providing comprehensive restructuring of the nation's surface transportation programs. Conversely, the impending threat of a bankrupt Highway Trust Fund, means Congress must take some action in 2009 even if it is just a short-term solution until the full authorization bill passes. In short, there are conflicting political realities that make it difficult to forecast how quickly Congress will be able to pass the reauthorization.

REAUTHORIZATION PROJECTS

By all accounts, drafters of the legislation hope to produce a larger level of spending than in previous years, with reports that the amount of federal funds in the next surface transportation bill will surpass SAFETEA-LU's \$286.5 billion and will likely include a price tag of \$400 to \$600 billion over five to seven years. Given the current economic crises with regard to Wall Street, housing market, Iraq war spending, and increasing deficit, the level of spending in this bill will clearly be a pivotal point of discussion. Congressional leaders have also indicated their desire to include earmarked projects in the next bill. However, the landscape in Washington has changed in several respects since the last reauthorization and earmarks could take on a different form in the next bill – whether in number, amount, or focus.

Perhaps the most publicized aspect of SAFETEA-LU was a single earmark of \$223 million directed to a bridge building project in Alaska that would connect the town of Ketchikan (population 8,900) with its airport on the Island of Gravina (population 50) – the so-called “Bridge to Nowhere.” The bridge became an object of national ridicule, a symbol of the fiscal irresponsibility in Congress, and a driving force behind earmark reform during the last three years.

Moreover, the Highway Trust Fund is projected to show a deficit in FY2009 before the expiration of SAFETEA-LU because expenditures under the bill have exceeded the trust fund balance. Lawmakers and the media have pointed to the funding of unmeritorious projects in SAFETEA-LU as one of the reasons for the lack of funding.

This backlash against the transportation bill's spending priorities comes at the same time as negative coverage against the general practice of earmarking in appropriations bills has increased, and the political popularity of the practice has decreased. In fact, the number and average amount of earmarks in the FY2008 appropriations bills was reduced dramatically over prior years. Because of the increased press attention given to earmarks, Members are requesting more information about projects, and requiring that specific criteria be met before they will consider an appropriations request. Many conservative Republicans have stopped requesting appropriations earmarks

altogether and many of them may employ similar policies when determining if they will pursue earmarks for SAFETEA-LU reauthorization.

What This Means For Your Transportation Projects

In developing projects for the next surface transportation bill, it is important that we work together to develop a strategy that plays to the new focus of federal transportation policy. As the next bill takes shape and we learn more about the relevant Committees' agendas, we can adjust your projects accordingly to fit them into the objectives of the new bill. However, it is important to start the process now, to formulate project ideas, and to prepare an agenda to advance to your Delegation and the relevant transportation Committees. In doing so, the following general parameters should guide us:

- **Identify Projects That Advance a Federal Interest** – The call for a new federal mission in the next reauthorization bill could result in an emphasis on key federal interests in the earmarking process. Federal interests that have received attention thus far include freight movement, congestion relief, energy independence, highway safety, and environmental protection. Develop projects that will offer a solution to these and other federal concerns.
- **Federal Projects with Measurable Results** – With projects likely to be expected to further a federal interest, a project should be able to demonstrate measurable outcomes in the appropriate area of focus, such as system efficiency, mobility improvement, greenhouse gas emissions reduction, alternative energy utilization, etc. It is more important than ever that projects be designed with sufficient detail to withstand public scrutiny. Moreover, project sponsors could be held accountable for project outcomes as a condition of future funding.
- **Focus on Projects That Have Regional Significance** – Projects should be structured so they have the greatest impact on the surrounding region or “mega-region.” For example, a transit project should not only benefit the project sponsor’s city, but it should also add transportation alternatives and improve mobility for surrounding communities. Parochial projects that benefit only a local area and have no discernable impact on improving congestion or efficiency, e.g., streetscaping, will probably experience less success.
- **Structure Projects To Have Greatest Local Share** – Congress has taken note that federal spending for transportation appears to decrease state or local spending for the same purpose, reducing the return on federal investment. In response, the U.S. Government Accountability Office (GAO) has suggested that the federal share of the cost of any transportation project could be commensurate with the national interest in the project and when the national interest is less evident, state and local governments could assume more responsibility for the cost of the project. **It is possible that the reauthorization could significantly reduce the maximum federal share for highways and transit projects.** Regardless of whether the next reauthorization bill addresses this concern, projects with a greater local share will be more attractive in the earmarking process. In devising ways to generate local revenue, creative

funding or financing mechanisms may be considered (e.g., congestion pricing) and may win points with certain Members.

- **Build Support for Project Requests.** Members will find a request with broad support from local municipalities, Chambers of Commerce, and other local stakeholders more compelling than a request put forth only by a single entity. It is critical that, in advance of submitting project requests, you work to make sure those requests are included in the appropriate state or Metropolitan Planning Organization (MPO) Transportation Improvement Plan (TIP) as it will likely be considered a negative in the earmarking process to not be included on those lists. In developing projects, we recommend consulting with community stakeholders and potential project backers in order to build a consensus around possible FY2010 project requests. When appropriate, it will be important to seek out formal letters of support from these other local interests.

TIMELINE

The relevant Congressional authorizing Committees (House Transportation and Infrastructure, Senate Environment and Public Works, and Senate Banking) could establish their deadlines for Member requests as early as January 2009 and may require submissions to be made shortly thereafter. It is therefore important to begin our internal vetting and priority-setting process.

We expect individual Representatives and Senators to set their internal deadlines for requests early in the year to ensure that their staff will have sufficient time to submit requests to the Committees. Members could set deadlines as early as mid-January, which would overload many offices as they simultaneously grapple with: (1) submission of FY10 appropriations requests; (2) advocating for pending FY09 earmarks in appropriations bills that might not be complete until the first quarter of the year; and (3) submission of transportation reauthorization project requests. We hope to begin discussing your reauthorization needs with the Congressional delegation and staff this fall to allow adequate time for feedback and adjustments.

Given the increased importance placed on ensuring requests are detailed, justified, and supported by many community stakeholders, we need to work together to have a slate of fully developed projects as soon as possible in the fall of 2009. Projects developed within a few weeks of a Member's request deadline may not be as strong as they could have been with more time for review, drafting, consultation, and feedback from Congressional staff.

For that reason, we recommend the following timeline for development of Leon County's SAFETEA-LU reauthorization project requests:

- **September - November 2008:** A list of potential requests is developed and County staff provide information about these projects by completing the information form attached to this memo. This form includes all of the questions that were asked in the SAFETEA-LU reauthorization project submission process and, while we expect changes to the request form for this reauthorization process, this form likely includes most of the relevant information we will need to submit.