

Board of County Commissioners Workshop Request

Date of Meeting: October 23, 2007

Date Submitted: October 16, 2007

TO: Honorable Chairman and Members of the Board

FROM: Parwez Alam, County Administrator 
Vincent Long, Deputy County Administrator
Ken Morris, Intergovernmental Affairs Coordinator

SUBJECT: Workshop on 2008 State and Federal Legislative Priorities

STATEMENT OF ISSUE:

To conduct a workshop with the Board on the state and federal legislative priorities to guide the County's lobbying efforts for the 2008 state legislative session and the second session of the 110th 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 7 appropriation requests for the 2008 state and federal legislative cycles. (please see Attachment #1). Additionally, staff has identified 15 policy statements for the 2008 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 2008 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 2008. Staff would also like to welcome the addition or deletion of issues that the Board deems appropriate for our 2008 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 2008 legislative program during their legislative conference on November 16, 2007. 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 2008 legislative session, when the 18

Workshop Request: 2008 State and Federal Legislative Priorities
October 23, 2007
Page: 2

County hosts the Leon County Legislative Delegation for a public hearing in the Leon County Commission Chambers. 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 2008 STATE & FEDERAL LEGISLATIVE SESSION:

Appropriation Requests

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

The Board of County Commissioner'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 appropriations requests. The 2008 appropriation requests identified below include costly capital projects ranging from increased funding for stormwater and transportation needs to facilities projects.

One of the most important appropriation requests that the County has targeted for state funding is the Mahan Drive (US 90) road widening project from Dempsey Mayo Road to I-10. This project was made a priority by the Board during FY 2004/05. An important accomplishment came in 2005, as the County, Blueprint 2000, and the Capital Regional Transportation Planning Agency (CRTPA) successfully advocated for Mahan Drive to be designated as a part of the Strategic Intermodal System (SIS), and thus eligible for SIS funding. SIS was created in 2003 to ensure adequate planning and funding of transportation systems that connect airports, seaports, bus terminals, and major highways. Staff has been working with the Florida Department of Transportation (FDOT), who administers the SIS program, to prioritize this project for SIS funding.

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 SIS and TRIP funding for priority projects, including \$42.6 million for right of way purchase along Capital Circle SW through SIS and \$11.3 million for Capital Circle SE through TRIP. The County will continue to seek state funding under both TRIP and SIS as part of the 2008 legislative cycle, as well as seek federal funding for these Board priorities.

The Board's 2006 top retreat priority to establish a joint dispatch center is included in the 2008 State and Federal appropriation requests. 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. Staff will continue to work with the Public Safety Communications Board as directed by the Board. For several years the Board has put a strong emphasis on reducing the environmental impacts of

Workshop Request: 2008 State and Federal Legislative Priorities
 October 23, 2007
 Page: 3

growth in the Woodville area by pursuing funding for a sewer system. A sewer system in the Woodville community would eliminate the need for septic tanks which, in the event of failure, can cause environmental concerns and impacts to the Florida Aquifer and Wakulla Springs. During the 2007 legislative session, the County was awarded a \$250,000 for the sewer project. Subsequently, the Board discontinued the funding of non-mandatory capital projects during the FY 08 budget process due to the 2007 Legislature's property tax reform efforts. A number of sewer projects were discontinued including the Woodville, Centerville Trace, and Harbinwood sewer projects. Staff has been working with the City and the Florida Department of Environmental Protection to determine if the City can incorporate the funds provided to the County by the Legislature for a sewer project in Woodville.

The following is the proposed Leon County 2008 State and Federal appropriation requests:

<u>Mahan Drive</u>	\$23,400,000
Dempsey Mayo Rd. to I-10 - Construction \$16.9 million of advanced funding	
<u>Leon County/ City of Tallahassee Joint Dispatch Center</u>	\$15,000,000
Construction of a new facility \$2 million set aside by County	
<u>Woodville Highway</u>	\$500,000
Corridor Study from Gaile Ave. to Commerce Blvd. CRTPA has \$2.1 million for PD&E	
<u>Capital Circle Southeast</u>	\$6,750,000
Woodville Hwy to Crawfordville Rd - Construction Blueprint 2000 will provide the required match	
<u>*Lake Jackson Ecopassage</u>	\$4,500,000
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>	\$30,000,000
Construction of sewer system in Woodville Received \$250,000 from 2007 Florida Legislature	

*Federal Appropriation Requests Only

Workshop Request: 2008 State and Federal Legislative Priorities.
October 23, 2007
Page: 4

PROPOSED LEON COUNTY 2008 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 are 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 impact of state violators of probation (VOPs) on county jails is an issue that burdens most Florida counties, including Leon County, which FAC intends to address at its annual legislative conference beginning on November 13, 2007.

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.*) Please find, below, a listing of the proposed Leon County 2008 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: The 2007 Legislature adopted statutory rollback limitations for local governments and proposed a constitutional amendment that was recently removed from the January 29, 2008 ballot due to misleading and confusing ballot language. On October 11, the legislative leaders released a joint proclamation calling for a special session on property tax reform beginning on October 12, through October 29, 2007, to consider a new constitutional amendment rather than correcting the ballot language that Judge Francis ruled as misleading.

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.

Workshop Request: 2008 State and Federal Legislative Priorities.

October 23, 2007

Page: 5

EMS Direct Payment

Issue: Currently, Florida Statutes allows direct payment health insurance companies to make direct payments to hospitals and other healthcare providers for services rendered to a beneficiary. However, direct payments are not extended to EMS providers. As a result, there have been concerns about patients receiving payments directly from their insurance providers and not reimbursing the EMS provider for services rendered.

Action: Support FAC and the Florida Association of County Emergency Medical Services (FACEMS) to amend the statutory language necessary to provide direct payment to EMS providers.

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%.

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: Pursue legislation to amend the current law to authorize all charter counties to increase its local business tax by 50% for economic development purposes.

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 analysis is expected to be completed by the end of October 2007.

Action: Should the economic analysis conclude that 2005 Florida gift ban law has caused a significant negative impact to local businesses, provide the Leon County Legislative Delegation a copy of the analysis to pursue a legislative remedy to address the negative impact on the local economy.

Workshop Request: 2008 State and Federal Legislative Priorities.
October 23, 2007
Page: 6

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. Tom Pelham, the Secretary of the Department of Community Affairs (DCA), has announced a plan for additional reform legislation in 2008.

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

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. For 2008, staff will continue to work with key decision makers to place priority County transportation projects on the SIS and enhance the potential for state funding of these County projects.

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.

Workshop Request: 2008 State and Federal Legislative Priorities.
October 23, 2007
Page: 7

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. Award notifications will be issued by January 18, 2008.

Action: Support expanded funding for mental health services across the region and state.

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 not shifted to counties (a \$90 million cost shift to counties for DJJ costs was approved in 2005).

Workshop Request: 2008 State and Federal Legislative Priorities.
October 23, 2007
Page: 8

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

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 5% from the state for every local dollar for the past five years.

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

SB 1088-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 will be responsible for an estimated 22 additional State employees. The estimated cost to provide the required services for these positions is approximately \$320,000 in FY08 and \$273,000 in recurring expenses.

Action: Continue to work with the Florida Association of Counties to oppose cost shifts and seek a legislative remedy to reduce or eliminate the costs to Leon County.

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. Staff estimates this cost shift will reach \$2 million in FY 08.

Workshop Request: 2008 State and Federal Legislative Priorities.
October 23, 2007
Page: 9

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. Florida's charter counties partnered with the Florida Association of Counties (FAC) and provided additional funding for the hiring of contract lobbyists to specifically work on charter county issues in 2006. FAC retained contract lobbyists again in 2007 when a charter preemption bill was filed but the bill was not debated in the committee process. FAC anticipates the hiring of contract lobbyists to address this issue in 2008 and the Board has already set aside \$5,000 in the County's FY 08 budget for the cost of the contract lobbyists to oppose charter county preemption legislation.

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

Protection of State Workforce

Issue: State workers comprise a substantial percentage of Leon County's population, contributing to our community, economy and diversity. In 2006, the Legislature provided state employees a 3% raise, a \$30 increase in travel per diem reimbursement, increases in the maximum amount of money authorized for meals, and an increase in mileage allowance from 25 cents to 44.5 cents per mile. In 2007, state revenues declined but the Legislature was able to provide a one-time bonus of \$1,000 (\$673 after taxes) to state employees. The bonus will be provided on November 1, 2007, but will not count as a pay increase toward state workers' retirement benefits.

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

Florida Association of Counties (FAC) Issues

Issue: FAC represents 67 counties at the Legislature on issues that have broad statewide appeal, such as the opposition of unfunded mandates or cost shifts to counties (similar to the \$90 million DJJ cost shift that was passed in 2004) to supporting the reconciliation of any outstanding "glitch" issues to fully implement of Revision 7 to Article V (state funding of state court costs). FAC will finalize their 2008 legislative program during their legislative conference in November, 2007.

Workshop Request: 2008 State and Federal Legislative Priorities
October 23, 2007
Page: 10

Action: Support the 2008 FAC legislative program unless specific issues conflict with the County's issues.

FEDERAL LEGISLATIVE ISSUES:

The second session of the 110th Congress is expected to begin in early January of 2008. 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). Any substantive issues that the County has at the federal level are coordinated through our National Association of Counties (NACO) representation.

Staff continually works with the County's federal contract lobbying firm, 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.

Patton Boggs will coordinate with County staff to set up meetings with the Leon County Congressional Delegation during NACO's 2008 legislative conference in Washington, D.C. between March 1 through March 5, 2008.

OPTIONS:

1) Approve the 2008 state legislative issues and 110th Congress (2nd session) federal legislative issues as presented.

2) Approve the 2008 state legislative issues and 110th Congress (2nd session) federal legislative issues as amended by the Board.

3) Board Direction.

RECOMMENDATION:

Option #2

Attachments:

- #1: 2008 State and Federal Legislative Session Appropriation Request Forms and Related Materials
- #2: 2008 State Legislative Session Policy Request Forms and Related Materials