

Leon County Final 2009 Legislative Report

I. Summary Overview

The **Capitol Alliance Group (CAG)** is pleased to present this final summary of legislative activities for the 2009 Legislative session for Leon County. CAG believes we were effective in securing funding for the county for transportation and affordable housing as well as support passage (as well as defeating) legislation that impacted the county. CAG worked closely with the Leon County staff who proved to be extraordinarily knowledgeable, responsive and an outstanding legislative support team. The Board should be very proud of the senior staff with whom we worked tirelessly throughout the very long and difficult special and regular session this year. CAG also worked closely with our counterparts at the Florida Association of Counties, participating in a variety of team efforts to defeat negative legislation as well as pass important bill language. Due to a very difficult budget year, member projects for Leon County were difficult to secure, but we were successful in securing funding commitments from the state for \$4.7 million for Capitol Circle SW expansion and the Lake Jackson Ecopassage projects, as well as \$1.5 million for Down Payment Assistance for affordable housing. In addition, CAG was helpful in maintaining funding for critical foster care programs, Health Start funding, prison diversionary programs as well as assist in passage (and defeat) of legislation that would have had an impact, either positive or negative, on the County. We believe it was a very successful session for strengthening the visibility of Leon County with top legislative leadership and the Governor's office. We look forward to continuing to build a strong presence for Leon County in the Capitol.

II. Budget Shortfall and Federal Stimulus

The 2009 Legislative Session came to a close Friday, May 8th after a January Special Budgetary Session and a 1 week regular session extension to deal with the challenging budget crisis facing the state and the controversial choices for budget cuts and revenue enhancements. The budget was finally approved at the level of \$66.5 billion, after decisions to accept \$5.3 billion in federal stimulus funding, \$800 million in additional fees and cuts to help balance a \$6 billion revenue shortfall. The final budget figures were much less draconian than originally anticipated due to the use of stimulus dollars and increased fees, Because of the current state of the economy, much of the proposed legislation this session was aimed at cost savings measures and efficiency in state government.

III. Funding and Appropriations Outcomes for Leon County

The challenging budget environment led to decisions in both chambers to exclude and legislative member local projects, limiting dramatically the potential for appropriations for the county. The CAG team had to identify other funding opportunities to assist the county with

priority projects. CAG worked closely with Leon County staff to ensure that these legislative priorities were pursued successfully. Here is a list of funding items CAG helped to secure:

A. Down Payment Assistance - \$1,500,000

CAG worked closely with Leon County to secure \$1.5 Million available through the Florida Housing Finance Corporation from affordable housing monies made available in last year's budget proviso language in last year's budget that CAG had helped to insert. The legislature authorized \$20 million to the FHFC in non-recurring funds from the State Housing Trust Fund that were to be used for homeownership assistance in cities and counties that reduce their impact fees or currently don't collect impact fees. Because Leon County doesn't collect impact fees, members of Capitol Alliance Group worked with Don Lanham to submit an application for funding under this one year program. During the 2009 Special Session A, the legislature raided the Housing Trust Fund and also took \$10 million from this program. In the end, two cities and seven counties were able to secure homeownership funds to be used for down payment assistance and other strategies.

B. Stimulus Funding- Capitol Circle SW - \$4.7 million

In an effort to ensure that Leon County's number one priority for transportation funding would be place on the Governor's priority list for federal stimulus funding, Dr. Sharkey scheduled a meeting for Commissioner Desloge with Governor Crist on March 26 to discuss the federal stimulus priorities for Leon County and the surrounding region. The original stimulus funding priority list for the panhandle region did not include this project. Commissioner Desloge urged the Governor to consider prioritizing Leon County's number 1 stimulus priority - Capitol Circle SW expansion - on the FDOT District's federal priority funding list. The Governor and his team were very impressed with the presentation and did reprioritize their list to include Capitol Circle SW.

To pursue other federal stimulus opportunities, Dr. Sharkey and Mr. Peterson met with Kathy Neal, head of federal stimulus funding for FDOT to discuss the current state transportation stimulus list, funding mechanics and time frames and strategies to access additional federal stimulus funding for transportation projects from the \$1.5 billion "discretionary pool" at USDOT. Ms. Neal was very helpful in explaining how FDOT central and district offices will allocate funds from it's list to local projects. She indicated it would be good for Leon County to meet with her after session to talk about other potentially shovel ready projects that may not be on the list. Below is a list of Leon County projects that were recommended by FDOT for ARRA Funds. CAG members have also met with Don Winstead, Special Advisor to the Governor for the Implementation of the Federal American Recovery and Reinvestment Act. After the session, CAG will set up meeting with both Ms. Neal and Mr. Winstead to discuss further stimulus opportunities available to the county.

Leon County ARRA Funds - Roads	
<u>FDOT State-Recommended Projects</u>	<u>ARRA Funds</u>
-	-
WIDEN CAPITAL CIRCLE SOUTHEAST FROM WOODVILLE HWY TO CRAWFORDVILLE HWY FROM 2 lanes to 6	\$4,700,000
Total FDOT State Funds	\$4,700,000
<u>FDOT Local-Recommended Projects</u>	
Velda Dairy Road from Bradfordville Road to Kerry Forest Parkway Sidewalks	\$484,376.00
Meridian Road and Bannerman Road	\$450,000.00
Meridian Road and Ox Bottom Road	\$450,000.00
Dempsey Mayo Road from Mahan Drive to Miccosukee Road Sidewalks	\$342,893.00
Perkins Road from N Monroe Street to Old Bainbridge Road Sidewalks	\$97,738.00
Total FDOT Local Funds	\$1,825,007.00
<u>FDOT Recommended Enhancement Projects</u>	
Lake Jackson Ecopassage	\$3,402,062
Total FDOT Enhancements	\$3,402,062
Total ARRA Road funds for Leon County	\$9,927,069

C. List of Funding Allocations for Leon County Projects in the SB 2600 Appropriations Bill

SR 61 (US 27) Monroe from S of Gaile Avenue to N of Paul Russell Road	Resurfacing	\$1,156,474
SR 363 Adams Street from S of Gaile Avenue to S of SR 373 Orange Ave	Resurfacing	\$1,562,400
SR 8 (I-10) from W of CR 155 Meridian to East of SR 261 Cap Cir	SIS/Intrastate Highways	\$2,169,000
Adults with Disabilities Funds	Vocational Rehabilitation	\$897,931
Tallahassee Community College - Adult Handicapped Programs	Vocational Rehabilitation	\$35,821
FSU (College of Medicine)	Autism Program	\$878,248
Florida State University	Diagnostic & Learning Resource Center	\$463,596
WFSU-TV, Tallahassee	Public Broadcasting	\$434,837
WFSU-FM, Tallahassee	Public Broadcasting	\$87,287
Public Schools Workforce Education Performance Based Incentives	Workforce Education	\$92,738
Public Schools Workforce Education Program Funds	Workforce Education	\$5,567,575
Tallahassee Community College	Community College - Lottery Funds	\$3,370,451
Tallahassee Community College	Community College Program Funds	\$26,270,251
Florida A&M University	Universities - Education & General Activities	\$94,983,895
Florida State University	Universities - Education & General Activities	\$256,261,387
Florida State University Medical School	Universities - Grants And Aids	\$37,704,000
Florida A&M University	Universities - Lottery Funds	\$10,188,211
Florida State University	Universities - Lottery Funds	\$26,539,058
Florida State University Medical School	Universities - Lottery Funds	\$589,410
Florida A&M University	Universities - Student Financial Assistance	\$1,506,303
Florida State University	Universities - Student Financial Assistance	\$3,540,501
Florida State University - Util/Infras/Capital Renewal/Roofs (P,C,E)	PECO - Universities	\$4,653,726
Florida State University - Academic Support Building (P)	PECO - Universities	\$2,000,000
Florida State University - Library Information Commons (P)	PECO - Universities	\$1,000,000
Florida State University - FAMU-FSU College of Engineering III-Joint Use (P)	PECO - Universities	\$985,665
Florida State University - College of Law Remodeling & Expansion (P,C)	PECO - Universities	\$600,000
Florida State University - Applied Sciences Building (P,C,E)	PECO - Universities	\$1,000,000
Florida State University - Dittmer Building Remodeling (P,C,E)	PECO - Universities	\$2,000,000
Florida A&M University - Util/Infras/Capital Renew/Roofs (P,C,E)	PECO - Universities	\$1,692,775
Florida A&M University - FAMU-FSU College of Engineering III-Joint Use (P)	PECO - Universities	\$985,665
Florida A&M University - Gore Education Complex Remodeling (P,C)	PECO - Universities	\$5,614,099
Tallahassee Community College - Gen ren/rem, Infrastructure And Site Improvements	PECO - Community Colleges	\$766,061
Tallahassee Community College - Allied Health Education Ctr w/match - Main (ce)	PECO - Community Colleges	\$2,355,460

IV. Legislative Bills and Other Funding Issues

The budget crisis put a significant downward pressure on the number of bills filed and the number of bills passed during the session. Typically, 350-400 bills pass each year out of 3-4,000

filed. This year, only 247 bills passed, a significant reduction in legislation. This left a lot of legislation dead in committees or on the House and Senate calendar. It also reduced the ability to file amendments to bills since there were far fewer bills moving through the process. Here is a list of substantive bills and amendments that we worked on behalf of Leon County at the direction of County staff.

A. State Court Funding (SB 2108) - PASSED

This bill redirects some of the filing fees collected and used by the clerks of court from various funds directly into a trust fund for the state courts system. In addition, some of the fines collected by the clerks of court are redirected from the trust fund for the state courts system to the General Revenue Fund. These changes will have a negative impact on general revenue as well as the clerk of court funding.

This bill also does the following:

- Removes the provision of the bill transferring court-related duties from the clerks to the courts;
- Expresses the intent of the Legislature for the appropriation of revenues from fines, fees, service charges, and costs to the clerks of court through the appropriations act;
- Provides the framework for the orderly transition from the current clerk budgeting processes prescribed in ch. 28, F.S., to the legislative appropriation of funds for court-related functions of the clerks using planning and budgeting processes consistent with those prescribed in ch. 216, F.S.;
- Designates the Florida Clerks of Court Operations Corporation (corporation) as the budget entity into which the budget of each clerk of court will be appropriated annually by the Legislature;
- Requires the corporation to develop a budget request for the 2010-11 fiscal year in conformance with ch. 216, F.S., in preparation for the transition of the clerk budget processes to legislative appropriation beginning in the 2010-11 fiscal year;
- Provides that, upon the annual legislative appropriation, the corporation will be responsible for apportioning the appropriated funds among the clerks of court by budget category;
- Includes "the clerks of court in the performance of court-related functions" in the definition of "state agency" or "agency" in ch. 216, F.S.;
- Eliminates certain statutory provisions relating to the corporation, effective October 1, 2010, to facilitate the clerk budgeting transition;
- Directs the Division of Statutory Revision to make conforming adjustments to ch. 216, F.S., to effectuate the intent of the Legislature to provide the clerks of court with an annual appropriation by the Legislature;
- Redirects the additional \$100 pro hac vice filing fee in cases before the Florida Supreme Court from the General Revenue Fund to the State Courts Revenue Trust Fund;

- Redirects the \$295 collected in Florida Supreme Court cases for the filing of a notice of cross-appeal, or a notice of joinder or motion to intervene as an appellant, cross-appellant, or petitioner, from the General Revenue Fund to the State Courts Revenue Trust Fund;
- Deletes the statutory provision that requires the Chief Financial Officer to deposit \$250 of each \$300 filing fee in Florida Supreme Court cases into the General Revenue Fund, as well as the provision requiring the Chief Financial Officer to deposit \$50 of each filing fee into the state court's Operating Trust Fund to fund court improvement projects as authorized in the General Appropriations Act;
- Provides that of the first \$85 of initial filing fees of \$295 in circuit civil cases, \$80 is redirected from the General Revenue Fund to the State Courts Revenue Trust Fund, and an additional \$15 is redirected to the State Courts Revenue Trust Fund from the courts' Mediation and Arbitration Trust Fund;
- Removes the provisions of the bill redirecting reopen fees collected in circuit and county cases from the clerks to the State Courts Revenue Trust Fund;
- Removes the provision of the bill redirecting certain Circuit Civil Appellate Filing fees to the State Courts Revenue Trust Fund;
- Restores the statutory provisions that require one-third of a portion of certain initial circuit and county civil filing fees collected to be deposited into the Department of Revenue Clerks of the Court Trust Fund;
- Redirects the first \$80 of initial county civil filing fees to the State Courts Revenue Trust Fund from the General Revenue Fund;
- Provides that the first \$15 of fees for claims greater than \$2,500 and from actions for removal of a tenant are redirected to the State Court Revenue Trust Fund from the state courts' Mediation and Arbitration Trust Fund;
- Provides that \$175 of filing fees collected for the removal of a tenant must be deposited into the State Courts Revenue Trust Fund;
- Redirects the \$12.50 administrative fee imposed in noncriminal moving and nonmoving traffic violations to the State Courts Revenue Trust Fund from the fine and forfeiture fund; and
- Redirects certain noncriminal and criminal fines from the State Courts Revenue Trust Fund to the General Revenue

B. Healthy Start Funding – Leon County TEAM

Dr. Jeff Sharkey met frequently with the Healthy Start coalition during the last weeks of the session to provide assistance with their budget issues. The Leon County TEAM coalition was concerned that the funding for the Coalition would be cut. With a great deal of support from CAG and other stakeholders, the funding for the Healthy Start coalition remained positive, with no significant cuts this year.

C. Criminal Justice and Substance Abuse Act (SB 2018 and HB 7103) – Failed

CAG worked closely on SB 2018 and HB 7013 legislation that were aimed at creating the *Community Mental Health and Substance Abuse Treatment and Crime Reduction Acts* and extending the scope of the current CMHSAT grant program in which Leon County is participating for the second year. Unfortunately, the bills made it through most of their committees but died on the House and Senate calendars. Had these passed, Leon County would have been able to extend its funding for the Grant it received beyond the next fiscal year.

By way of background, the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program (the Grant Program) was established by the Legislature in 2007 for the purpose of providing funding to counties to allow them to plan, implement, or expand initiatives to address issues related to forensic mental health. The statute provided that the initiatives must increase public safety, avert increased spending on criminal justice, and improve the accessibility and effectiveness of treatment services for adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders and who are in, or at risk of entering, the criminal or juvenile justice systems. The Grant Program made two types of grants available:

- One-year planning grants with a maximum grant award of \$100,000; and
- Three-year implementation or expansion grants with a maximum grant award of \$1,000,000.9

Leon County was awarded one of the three year grants. In order to have been eligible to receive a grant, a county must have a county planning council or committee. In addition, county recipients of grant funding legislation must provide matching funds or in-kind resources.

The legislation establishing the Grant Program required the Florida Substance Abuse and Mental Health Corporation (SAMH) to establish a statewide grant review committee, and also created the following supportive entities:

- Criminal Justice, Mental Health and Substance Abuse Technical Assistance Center at the Florida Mental Health Institute, University of South Florida (the Technical Center); and
- Criminal Justice, Mental Health and Substance Abuse Policy Council (the Council) within SAMH.

The bills filed for this session would have expanded the program and structured goals for the community mental health and substance abuse forensic treatment system. They required DCFS, in consultation with the AHCA, to develop and implement forensic treatment system. The bill also authorizes the department to establish pilot sites within the state where said system will be implemented. Had they passed, these bills would have allowed the department, in consultation with the agency, to identify demonstration sites in Escambia, Leon and Dade Counties within the available resources.

D. Tourism Development Council board composition change

The staff had requested exploring amending the statutory criteria for board composition for Tourist Development Councils to address the unique situation in Leon County where there is only one major municipality in the County. Capitol Alliance Group worked hard with staff to identify a few bills that could be amended with Leon County's TDC language. The one bill that looked promising was HB 61, which included a TDC reference, which was stripped of the TDC reference by the Florida Restaurant and Lodging Industry which fought hard to remove this language. This eliminated the only bill option for the amendment we were proposing.

E. Prison Diversion Program (SB 1722/HB 7085) – PASSED

SB 2600, the final appropriations bill provides funding and language for the development of prison diversion pilot program to reduce the state's criminal justice costs associated with building new prisons.

Section 775.082, F.S., specifies the penalty structure for the different felony classifications. A person who has been convicted of a felony of the third degree may be punishable by a term of imprisonment not exceeding 5 years. Under current law a judge can sentence any third degree felon for up to five years in prison regardless of the total sentence score. In the last few years thousands of offenders whose sentence points are under the 44 point threshold recommended for a prison sanction have been sentenced to state prison. The absence of adequate diversionary programs and the overcrowding of jails have reportedly encouraged this trend of sending more low-level offenders to state prison. According to the department, research has shown that diversionary programs which offer substance abuse treatment, vocational programming, employment and job training and intense supervision have reduced offender recidivism and reduced prison populations by implementing these programs. The goal of these programs is to improve public safety by reducing crime through providing non-violent offenders with the tools to function successfully in the community.

Below is a copy of the legislation which can be found on lines 24 through 64 of the implementing bill:

921.00241 Prison diversion program.—

(1) Notwithstanding s. 921.0024 and effective for offenses committed on or after July 1, 2009, a court may divert from the state correctional system an offender who would otherwise be sentenced to a state facility by sentencing the offender to a nonstate prison sanction as provided in subsection

(2). An offender may be sentenced to a nonstate prison sanction if the offender meets all of the following criteria:

(a) The offender's primary offense is a felony of the third degree.

(b) The offender's total sentence points score, as provided in s. 921.0024, is not more than 48 points, or the offender's total sentence points score is 54 points and six of those points

are for a violation of probation, community control, or other community supervision, and do not involve a new violation of law.

(c) The offender has not been convicted or previously convicted of a forcible felony as defined in s. 776.08, but excluding any third-degree felony violation under chapter 810.

(d) The offender's primary offense does not require a minimum mandatory sentence.

(2) If the court elects to impose a sentence as provided in this section, the court shall sentence the offender to a term of probation, community control, or community supervision with mandatory participation in a prison diversion program of the Department of Corrections if such program is funded and exists in the judicial circuit in which the offender is sentenced. The prison diversion program shall be designed to meet the unique needs of each judicial circuit and of the offender population of that circuit. The program may require residential, nonresidential, or day reporting requirements, substance abuse treatment, employment, restitution, academic or vocational opportunities, or community service work.

(3) The court that sentences a defendant to a non-state prison sanction pursuant to subsection (2) shall make written findings that the defendant meets the criteria in subsection (1) and the sentencing order must indicate that the offender was sentenced to the prison diversion program pursuant to subsection (2). The court may order the offender to pay all or a portion of the costs related to the prison diversion program if the court determines that the offender has the ability to pay.

F. Prohibition on Imposition and Collection of Stormwater Fees on Agriculture land (HB 1133 and SB 1974) - FAILED

These bills would have imposed a prohibition on the collection of stormwater fees for land zoned for agricultural use. This would have had a large adverse impact on Leon and other counties so CAG worked hard to amend or kill the bill. The bill had widespread support from the ag community. Dr. Sharkey met with the bill sponsors, Senator Bennett and Rep Poppel to explain the potential impact on the county. Representative Poppel's bill passed out of Finance and Tax Council on 4/13, and was passed on the Floor in the second to last week of regular Session but died in Senate messages so failed to pass. The County was strongly opposed to this bill and Capitol Alliance Group worked to help slow the Senate companion down which eventually keeping the bill from passing. Capitol Alliance Group worked alongside the Florida Association of Counties to help educate local government supporters of the ramifications of the originally proposed legislation.

G. County Health Departments /RATE (SB 1662 and HB 5107) - PASSED

A provision in the Senate Department of Health Conforming Bill (CS/SB 1662, pg 2, line 26) repealed County Health Departments' (CHDs) exemption from rate control (s. 216.262(1), F.S.). Local CHD's felt that imposing a rate structure on personnel would cripple their ability to meet the health needs of their communities by significantly impeding their capacity to create new positions and appropriately compensate health care professionals.

Florida is unique in that our CHDs work in partnership with both state and county government. Florida's public health system is recognized as one of the best in the nation. Much of this success is due to a centralized administrative system but decentralized priority setting process that primarily takes place at the county and community level.

Dr Sharkey had met with Senate Health Care Appropriations Chair Durrell Peadeon and Staff Director, Elaine Peters several times to discuss this issue and express the county's concern. They indicated that the Senate and House were not going to change their positions on controlling the levels and amount of rate provided to CHD's, but had developed a compromise to allocate at the beginning of the year a pool of open positions with rate that the CHD's could access throughout the year as needed. Capitol Alliance Group suggested a meeting after session with stakeholders to discuss the compromise with Sen. Peadon and Ms. Peters. This meeting will take place in late May or early June.

V. Special Session on the Budget Summary

This is a short summary of the Special Legislative Session that occurred in January, 2009.

The House and Senate were called into Special Session A in early January do deal with an ailing state budget. Lawmakers reviewed all agency programs and heard from Secretaries that were asked to prioritize a possible 10% budget cut. When all was said and done there was nearly \$1.2 billion in total spending cuts, plus the following raids, sweeps and trims:

- \$400 million from the Budget Stabilization Fund
- \$700m from the Lawton Chiles Endowment Fund
- \$190m from the Housing Trust Fund
- \$381m from other trust funds
- \$1.5m cut from the governor's office
- \$100,000 by getting rid of a state aircraft

The total spending cut was \$1.2billion which included federal and other trust fund money, transforming the nearly \$66.3 billion budget into a \$65 billion budget. The cut to General Revenue was \$978 million and since the deficit was in the GR budget, the actual deficit reduction was \$2.6 billion. Based on the Revenue Estimates during the Special Session the deficit was \$2.4 billion, nearly \$100 million above the previous estimates before the call of a Special Session. With these totals, that left the state with a cushion in the amount of \$200 million heading into the regular session.

Local Impact of Budget Cuts from Special Session

Tallahassee Community College (\$150,302)

Florida State University (\$1,292,866)

FAMU (\$479,677)

State Housing Trust Fund (\$283,000,000)

Department of Transportation (\$200,000,000)