Board of County Commissioners
Workshop Request

Date of Meeting: October 27, 2009
Date Submitted: October 20, 2009

TO: Honorable Chairman and Members of the Board

FROM: Parwez Alam, County Administrator
Vincent Long, Deputy County Administrator
Ken Morris, Director of Legislative Affairs and Economic Development
Shington Lamy, Special Projects Coordinator

SUBJECT: Workshop on 2010 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 2010 state legislative session and the second 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 seven appropriation requests for the 2010 state and federal legislative cycles (please see Attachment #1). Additionally, staff has identified 13 policy statements for the 2010 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 2010 State and Federal Legislative Programs. Upon Board approval, staff and the contract lobbying teams 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 2010. Staff would also like to welcome the addition or deletion of issues that the Board deems appropriate for our 2010 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 2010 legislative program during their legislative conference on December 4, 2009. 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 2010 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 2010 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, has been 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. Shortly after the Board adopted its legislative priorities and appropriation requests last year, the Legislature announced that it would not accept Community Budget Issue Requests (CBIRs) due to the state's severe budget constraints. As a result, no County projects were awarded a state legislative appropriation in 2009. Given the state's financial hardship, the state lobbying team concentrated on supporting County policy issues and protecting state programs that assist local governments. Examples include the perseveration of the County's three year $792,624 grant for the expansion of the mental health services within the local criminal justice system, the continuation of the State Aid to Libraries program, and the exclusion of EMS transport fees from SB 2282, which prohibited local governments from charging fees for all other first responder services.

Earlier this month, the Legislature notified the public that once again it would not open the CBIR system to consider appropriation requests (Attachment #3). With this knowledge in hand prior to the Board's annual workshop to set the County's legislative priorities and appropriation requests, staff has refined the Board's top appropriation requests to avoid unrealistic expectations for securing funding for local projects. Most of the County's efforts for funding community projects will be through the American Recovery and Reinvestment Act of 2009 (ARRA) and the federal appropriations process including the reauthorization of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Given the importance of securing federal stimulus funds, the County entered in to a 12-month contract with Governance Inc. on March 26, 2009, to enhance the County's ability to receive stimulus funds. Governance Inc. has provided assistance in preparing grant applications for direct funding, contacting key staff at the state and federal levels to gather information on funding opportunities, and coordinating its efforts with County staff and regional stimulus partners. The state contract lobbying team, the Capitol Alliance Group, has also provided assistance relating to the ARRA to compliment Governance Inc. and spearheaded a meeting between the Governor, Chairman Desloge, and Mayor Marks to advocate regional projects for stimulus funding. Staff has provided quarterly agenda items to the Board on the ARRA and the next update is scheduled for the Board's December 8, 2009 meeting.

The 2010 appropriation requests identified below include costly capital projects ranging from transportation projects to public safety needs. In order to maximize the chances for federal funds, the County will seek to partner with the City on several projects important to the community including the Public Safety Complex, Capital Circle NW/SW, and the Lafayette Street Pedestrian Tunnel.

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 playground equipment at the Daniel B Chaires 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 playground equipment. Staff will monitor the Legislature's ability to dedicate funds during the 2010 session to the FRDAP program for the playground equipment at the Daniel B Chaires Park.

The County has also applied for a $500,000 Department of State Public Library Construction Grant for the Eastside branch library. The Department of State has ranked this County project #5 statewide but it will be difficult for the Legislature to fund this program with its $2.6 billion shortfall.

The following is the proposed Leon County 2010 State and Federal appropriation requests:

Leon County/ City of Tallahassee Public Safety Complex Construction of a new facility (total project cost $50 million) $23 million set aside by County	$5 million
Capital Circle NW/SW S.R. 20 Intersection Improvement Construction widening to six lanes and construction of two stormwater ponds.	$15 million
Woodville Highway Design for widening from Gaile Ave. to Capital Circle – six lanes	$3.4 million
Woodville Sewer Design of Woodville Sewer System	$500,000
Lafayette Street Pedestrian Tunnel Pedestrian sidewalks for safe passage under rail tunnel Submitted SAFETEA-LU request	$2.2 million
Chaires Park (FRDAP) Purchase of playground equipment	$112,500
Eastside Branch Library (State Library Construction Grant) Construction of a new 12,000 square foot Eastside Branch Library	$500,000

PROPOSED LEON COUNTY 2010 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 2010 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 2010 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 several 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 (RLE) with other revenues was removed from the November 2008 ballot.

The Governor was successful during the 2009 legislative session in getting his priority property tax measure placed on the 2010 general election ballot. SB 532 is a combination of a first time homebuyer exemption and a reduction in the non-homestead cap to 5%. The 25% first time homebuyer exemption, up to $100,000, would be phased out by 20% each year over a five-year period.

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 oppose any legislation that would erode local home rule by turning over the allocation of property tax revenues to the Legislature.

2005 Lobbying Gift Ban

Issue: In 2009, a legislative committee took up the gift ban issue for the first time since its passage in 2005. The Senate Ethics and Elections Committee took testimony from several small businesses and business groups on the impact of the 2005 gift ban including representatives from restaurants, bars, hotels, coffee shops, the Greater Tallahassee Chamber of Commerce, and the Florida Restaurant and Lodging Association. Immediately following the testimony, the Vice-Chairman moved to temporarily postpone the bill but Senator Lawson demanded a vote be taken. Despite the supportive testimony, the Ethics and Elections Committee rejected SB 1506 by a 7-1 vote.

Action: 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 continue to 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 2008 Legislature passed another growth management bill, coincidently numbered SB 360 and referred to as the "Community Renewal Act," which has put DCA at odds with the sponsor of the legislation over the interpretation and implementation of several provisions of the bill. Further, several local governments have filed a lawsuit challenging the new SB 360 and the unfunded mandates included within the legislation. It is unclear at this time whether there will be a glitch bill to clarify the sponsor's intent of mandating Transportation Concurrency Exemption Areas (TCEAs) within Dense Urban Land Areas (DULAs).

Action: Continue to monitor growth management issues and advocate the County's position through the Florida Association of Counties and County's Planning Department. Carefully review the joint DCA/DOT mobility fee study that is required to be submitted to the President of the Senate and Speaker of the House by December 1, 2009.

Climate & Sustainability

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.

Energy

Issue: The technologies and market for the expansion of alternative and renewable energies continue to grow at a steady pace. However, the United States' dependency on foreign oil has led to the consideration of drilling off of the Florida Gulf Coast. Proponents advocate that drilling will reduce US dependency on foreign oil, create jobs, and increase tax revenues. Opponents are skeptical that drilling off of the Florida Coast would produce enough oil to reduce national dependency while risking the state's coastline and tourism industry to potential oil spills.

Action: Continue to support programs that reduce dependency on foreign oil and promote energy efficiency along with the use of alternative and renewable energies.

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

State Prisons

Issue: Corrections Budget

Action: Continue to support state legislative efforts to enhance diversion programs and lower corrections costs.

County Jail

Issue: There may be a proposal 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.

Action: Ensure that this state jail proposal is funded and operated by the state.

Issue: Interim Reports

Action: Carefully review the numerous interim reports on corrections spending, diversion programs, and judicial sentencing discretion that may assist in the crafting of legislation to route more offenders from prison sentences to the county jail system.

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).

Probation

Issue: Jail Overcrowding / Expanded Use for House Arrest

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.

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 with significant budget challenges, the Legislature approved a budget that called for a 2% pay reduction for state employees earning more than $45,000 a year with exception to employees under the state university system. However, upon signing the state budget, Governor Crist vetoed the proviso language calling for the 2% pay reduction and directed all state agencies to trim their operating budgets to balance the state budget.

Action: Monitor state workforce issues, 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 in Leon County from $405,019 in 2001 to $171,486 in 2009.

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

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. Subsequently, the County was successful in challenging the constitutionality of the 2007 cost shift through the judicial process.

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

Charter County Preemption

Issue: Charter preemption legislation has been pursued on state matters and to resolve contentious political battles between cities and counties. The Florida League of Cities has not aggressively pursued charter preemption legislation since 2006 but staff will continue to monitor legislation to protect the counties' home rule authority.

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

Sunshine Review

Issue: The Florida Legislature is held to a lesser standard than state agencies and local governments in meeting the intent of Florida's Sunshine Law.

Action: Support a constitutional amendment that requires the Florida Legislature to operate under the same Sunshine Law as local government officials.

Florida Association of Counties (FAC) Issues

Issue: FAC represents 66 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 2010 legislative program during their legislative conference scheduled for December 4, 2009.

Action: Support the 2010 FAC legislative program unless specific issues conflict with the County's issues.

FEDERAL LEGISLATIVE ISSUES:

The second session of the 111th Congress is expected to begin in early January of 2010. The Board's practice has been to focus the County's federal legislative program on appropriations issues but has added specific substantive issues from time to time. Most substantive issues that the County has at the federal level are coordinated through the County's National Association of Counties (NACO) representation. At the Board's request, the federal appropriation requests have been combined with the state appropriations requests (Page #3 of the Analysis Section).

Staff continually works with Patton Boggs throughout the year to advocate for the County's targeted appropriation requests. Staff coordinates regularly 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.

For the fiscal year 2010 budget, staff had initially been working with the County's federal contract lobbyist, Patton Boggs, to coordinate the County's efforts to attain funding for five projects. Two of those projects, Capital Circle Southeast and the Lake Jackson Ecopassage, have been recommended for stimulus funds and withdrawn from congressional consideration for funding. In the House transportation appropriations bill, Congressman Boyd has successfully earmarked $250,000 for Woodville Highway. Patton Boggs is currently working with the congressional delegation from both chambers to maximize federal funding opportunities through the transportation appropriations bills and best position the County for federal transportation funds.

The House Commerce-Justice-Science subcommittee has also tentatively included $200,000 for the Joint Public Safety Complex in its fiscal year 2010 mark up. Patton Boggs anticipates that the fiscal year 2010 omnibus appropriations bill will not be approved until early 2010 given the heightened political issues have been debated throughout the summer and fall months such as the economy and healthcare reform. Subsequently, Patton Boggs will begin advocating for the County's appropriation requests outlined on page three for the FY 2011 federal budget.

In recent years, Patton Boggs has pursued substantive issues on behalf of the County including federal climate legislation, efforts to secure the 114 acre U.S. Forest Service (USFS) parcel near the corner of Capital Circle and Woodville Highway for the relocation of the North Florida Fairgrounds, and numerous transportation issues. Most recently, Patton Boggs has been advocating for universal comprehensive healthcare as approved by Resolution 09-65 on September 22, 2009, and for the restoration of passenger rail service through North Florida.

On October 16, 2008, President Bush signed the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) which required Amtrak to submit a plan to Congress for restoring passenger rail service between New Orleans, LA and parts of Florida. Section 226 of the bill gave Amtrak nine

months to submit the plan to Congress detailing how it could restore passenger rail service to the region. On July 16, 2009, Amtrak submitted its Gulf Coast Service Plan Report as required by PRIIA and outlined the three most feasible options for restoring service to North Florida and the Gulf Coast Region. The three options include projected timelines, costs, and anticipated passenger rider-ship. The timing of the report and the readiness of the project exclude the North Florida passenger service from consideration for ARRA funds. However, Congress is expected to include significant funding for alternative modes of transportation in its SAFETEA-LU transportation package which is expected to provide $487 billion for surface transportation infrastructure. Recently, Congress extended the existing SAFETEA-LU program which was set to expire on September 30, 2009, by one month in order to craft an 18-month extension before finalizing the full SAFETEA-LU transportation package.

Congressman Boyd has already submitted two SAFETEA-LU requests on behalf of Leon County. The first request is to widen Woodville Highway ($28 million) from Gaile Avenue to Capital Circle. The second request would construct the Lafayette Street Pedestrian Tunnel ($2.2 million) under the CSX railroad adjacent to the Florida Department of Transportation headquarters. This provides the opportunity of funding one large scale project and one small project in the community. Patton Boggs has been providing detailed memorandums to the Board and County staff on the reauthorization of SAFETEA-LU as Congress has begun marking up the Surface Transportation Authorization Act of 2009. 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.

OPTIONS:

1) Approve the 2010 state legislative issues and 111th Congress (2nd session) federal legislative issues as presented.

2) Approve the 2010 state legislative issues and 111th Congress (2nd session) federal legislative issues as amended by the Board.

3) Board Direction.

RECOMMENDATION:

Option #2

Attachments:

#1: 2010 State and Federal Legislative Session Appropriation Request Forms and Related Materials.

#2: 2010 State Legislative Session Policy Request Forms and Related Materials.

#3: October 6, 2009 memorandum regarding Community Budget Issue Requests.