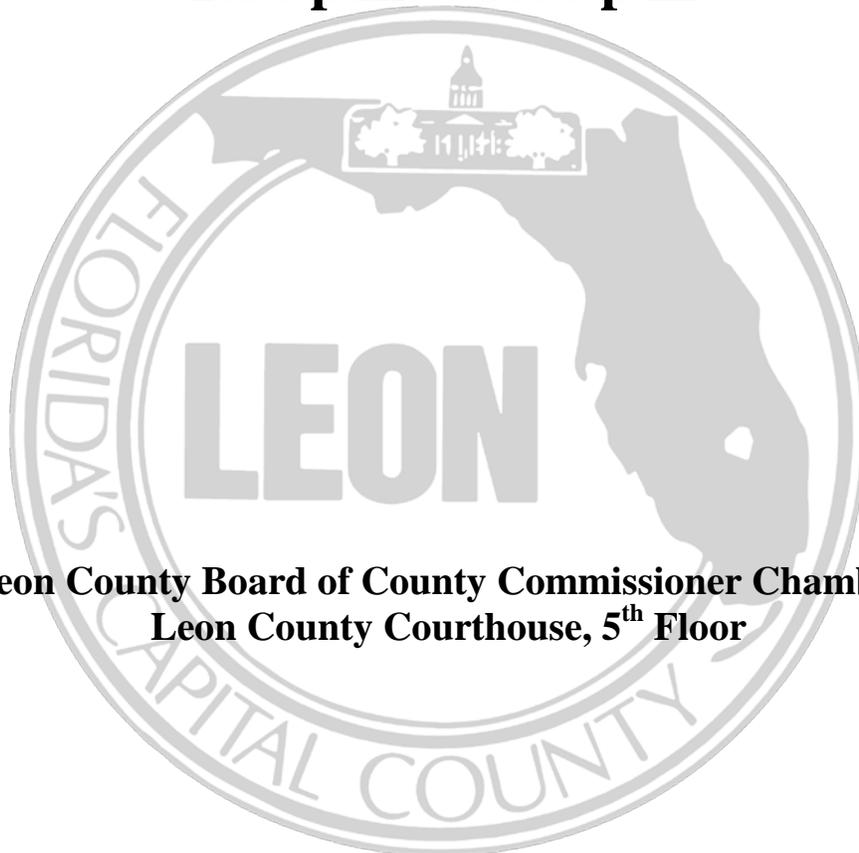


# **WORKSHOP**

## **2013 State and Federal Legislative Priorities**

**October 23, 2012  
1:30 p.m. – 3:00 p.m.**



**Leon County Board of County Commissioner Chambers  
Leon County Courthouse, 5<sup>th</sup> Floor**

# Leon County Board of County Commissioners

October 23, 2012

**To:** Honorable Chairman and Members of the Board

**From:** Vincent S. Long, County Administrator 

**Title:** Workshop on the 2013 State and Federal Legislative Priorities

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<b>County Administrator Review and Approval:</b>	Vincent S. Long, County Administrator
<b>Department/ Division Review and Approval:</b>	Alan Rosenzweig, Deputy County Administrator, County Administration Ken Morris, Director of Economic Development and Business Partnerships
<b>Lead Staff/ Project Team:</b>	Cristina Paredes, Intergovernmental Affairs and Special Projects Coordinator

## Executive Summary

### Issue Briefing:

This workshop seeks Board consideration of the state and federal legislative priorities to guide the County's lobbying efforts for the 2013 state legislative session and the first session of the 113<sup>th</sup> Congress. 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 levels. Staff has identified four appropriation requests for the 2013 state and federal legislative cycles (please see Attachment #1). Additionally, staff has provided eight substantive priorities for the 2013 state legislative session (Attachment #2) and two federal substantive priorities for the 113<sup>th</sup> Congress.

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 2013 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.

**Fiscal Impact:**

This item does not have a fiscal impact. However, it recommends projects for appropriation requests at the state and federal levels while the substantive efforts of the legislative program often seek to avoid cost shifts and unfunded mandates to the County.

**Staff Recommendation:**

Option #1: Approve the 2013 state and federal legislative priorities as presented.

Option #2: Designate a Commissioner to host the Community Legislative Dialogue meetings for the 2013 Session.

## **Report and Discussion**

### **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.

In recent years, the Board directed staff to refine the County's substantive priorities only to the most pressing issues and to support the Florida Association of Counties (FAC) and National Association of Counties (NACO) in achieving their broader substantive initiatives. Based on this direction from the Board, staff has provided ten substantive priorities (eight state and two federal) for the 2013 state and federal legislative sessions. Staff has also identified four appropriation requests for the 2013 state and federal legislative cycles.

### **Analysis:**

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 herein to be included in the County's 2013 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 2013. Staff would also like to welcome the addition or deletion of issues that the Board deems appropriate for the County's 2013 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 FAC. FAC will finalize their 2013 legislative program during their legislative conference on November 28, 2012. 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 when it hosts the Leon County Legislative Delegation. A meeting date has not yet been set but it is anticipated that the meeting will be held in January, prior to the start of the 2013 session. Staff will notify the Board of the date once it has been confirmed.

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, as well as through the weekly *Capital Update* memoranda during session.

*State Lobbying Contract*

The County utilizes contract lobbying services at the state and federal levels to further the County's legislative goals and in pursuit of appropriations for key local projects. The contract lobbying firms provide a daily presence by advocating the County's legislative priorities with the County's Delegation and legislative leaders. Given the state's financial hardship the past few years, the state lobbying team, Capitol Alliance Group, has concentrated on supporting the County's policy issues and protecting state programs that assist local governments.

The County is in its final year of a three year contract with Capitol Alliance Group for state lobbying services. The County entered into the contract with Capitol Alliance Group on October 1, 2010 which anticipates issuing a request for proposals (RFP) for the 2014 legislative session at the conclusion of the contract. As part of the 2013 final legislative report, staff will be seeking direction from the Board on the issuance of an RFP for state lobbying services.

*Federal Lobbying Contract*

Since 2002, the federal lobbying team, Patton Boggs, has had significant success in obtaining federal appropriations for local projects to help offset the financial burden for local taxpayers. Patton Boggs' efforts have been vital in advocating the County's legislative priorities at the federal level where County staff has limited access. Additional information highlighting the activities of the federal lobbying team is available in the federal legislative issues section (Page #12).

The County is also in its third and final year of its agreement with Patton Boggs for federal lobbying services. However, the contract states that the Board may extend the agreement for one additional two year period or until December 31, 2015. As part of the 2013 final legislative report, staff will be seeking direction from the Board on federal lobbying services.

**PROPOSED LEON COUNTY 2013 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. In recent years, the Legislature has not accepted Community Budget Issue Requests (CBIRs), which serve as the primary vehicle for state appropriations, due to the state's severe budget constraints. However, a greater emphasis placed on grant programs through the executive branch and coordinating through state agencies helped fund a number of infrastructure projects during the previous session. Although a small surplus is projected in state revenue, staff anticipates that the Legislature will not consider CBIRs in 2013. In addition, Governor Scott has continued the practice of requesting that all state agencies submit a budget that reflects a 5% cut in funding for the next fiscal year.

Due to the continued revenue challenges at the state level, staff has refined the Board's top appropriation requests to avoid unrealistic expectations for securing funding for local projects. The 2013 appropriation requests identified herein include costly capital projects ranging from transportation projects and infrastructure improvements to historical and cultural enhancements. In order to maximize the chances for state and federal funds, the County will seek to partner with the City on several projects important to the community including improvements to Capital Circle Southwest.

In previous years the County has had tremendous success in obtaining grants for its parks and library programs through the legislative appropriations process. However, in the past three sessions, the Legislature has failed to provide funding for the Department of Environmental Protection's Florida Recreation Development Assistance Program (FRDAP) and the Department of State's Public Library Construction Grant Program. The following are the proposed Leon County 2013 State and Federal appropriation requests:

<u>Capital Circle Southwest</u> Construction of six-lane roadway (1,300 ft.) just north of Orange Ave.	\$8 million
<u>Woodville Highway</u> Design for widening (four lanes) from Capital Circle to Paul Russell Rd.	\$4.2 million
<u>Woodville Sewer</u> Design of Woodville Sewer System	\$500,000
<u>America's First Christmas</u> Construction of historical structure and markings	TBD

**PROPOSED LEON COUNTY 2013 STATE LEGISLATIVE SESSION**  
**Policy Requests**

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

The 2013 legislative session will begin on March 5, 2013, and is scheduled to conclude on May 3, 2013. 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 maintaining the County's home rule authority, such as allowing counties to regulate the location and operation of internet cafes, to the protection of state workforce. The state's current fiscal challenges and efforts to further reduce state government 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 impact, if any, on local governments in the form of cost shifts or unfunded mandates.

Throughout this past session, the Capitol Alliance Group worked to pursue the Board's legislative priorities. For example, Capitol Alliance Group, along with FAC and all Florida counties, lobbied aggressively in the last few weeks of the session to kill the Medicaid bill. While the bill was ultimately signed into law, the Capitol Alliance Group was successful in working with the Governor's office and the Legislature on legislation to restructure the Regional Workforce Boards in order to maintain local oversight of the boards and ensure greater financial transparency.

In addition to the substantive issues identified by the County, staff works daily with FAC and the Florida Association for Intergovernmental Relations (FAIR) to identify developing issues that effect counties during the 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 refined listing of the proposed Leon County 2013 state legislative session policy requests. Each request provides a brief overview of the issue and indicates the specific recommended legislative action:

**Protection of State Workforce**

Issue: 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.

During the upcoming session, the Legislature is expected to have further discussions on increasing employee contribution to the Florida Retirement System (FRS) and the State Employee Health Insurance. There have been attempts in the past few sessions to cap the state's total spending on employee health insurance and in effect increase the health insurance premiums of state employees. State employees last received a raise in FY 2007, in the amount of 3%, followed by a one-time \$1,000 bonus in FY 2008.

Action: Oppose any additional reductions to state employee benefits and encourage the Legislature to study the economic impact of FRS and health insurance reform.

### **Internet Cafes**

Issue: The proliferation of simulated gambling facilities, also known as “internet cafes,” functioning as gaming parlors has raised many concerns about their operations and potential impact on communities. During the beginning weeks of the 2012 session, internet cafes and destination casinos were discussed in several committees. The House and Senate views greatly differed on how to approach both topics. The Senate pushed to regulate the internet cafes and mostly supported the destination casinos in South Florida. However, the House pursued an outright ban of the internet cafes and did not take a position on the destination casinos this session. Staff anticipates that several bills will be filed during the 2013 session regarding both destination casinos and internet cafes, some of which would preempt local government regulation of internet cafes.

Action: Support legislation that maintains the County’s home rule authority and provides for state inspection of gaming devices.

### **Communication Service Tax**

Issue: During the 2012 session, the Legislature passed a bill that made changes to definitions of the communications services tax (CST) and creates a workgroup to study the tax to make recommendations on future communications tax policies. The state levies a 6.65 percent communications services tax on items such as phone service and local governments apply a wide range of additional taxes that range from 0.1 to 7 percent. A key provision in HB 809 provided a broad CST exemption for certain services and hardware that are not separately stated on a customer’s bill. For example, phone/cable service in "bundles" with digital items such as cloud data storage and home security would not have to pay communications taxes.

Furthermore, the legislation created the Communications Services Tax Working Group within the Department of Revenue to review a series of policies regarding the tax including: review of national and state tax policies relating to the communications industry; identify options for streamlining the administrative system. The Workgroup consists of a cross section of industry stakeholders, FAC staff, and the Leon County Deputy County Administrator.

The two priorities of the Workgroup are to 1) identify options for streamlining the administrative system and 2) identify options that remove competitive advantages within the industry as it relates to the state’s tax structure without unduly reducing revenue to local governments. The Workgroup’s recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2013.

Action: Support legislation that is revenue neutral; simplifies administration and collection of the current tax; enhances the stability and reliability as an important revenue source for local government; and provides for the opportunity for market-based growth.

### **Thornton Road Land Exchange**

Issue: During development of the Planned Unit Development application for the City's Welaunee Plantation property, significant discussions were held regarding access to this property from Miccosukee Road. Under the terms of the purchase agreement of the 428 acres of the Welaunee Plantation property, the City has rights to cross the Miccosukee Greenway at Edenfield Road and Arendell Road. One option that was identified to enhance access to the Welaunee property is to relocate the Arendell Road connection to Thornton Road ("Thornton Road Extension").

Any relocation of the Arendell Road access point requires the approval of the State of Florida Board of Trustees for the Internal Improvement Trust Fund, since the relocation impacts state lands (the Miccosukee Road Greenway). As the managing agency for the Miccosukee Greenway, the County will need a statement of written approval describing how the proposed easement conforms to the management plan when the easement application involves state land which is under lease, sublease, easement, or management agreement. The Thornton Road Extension requires a 2:1 land exchange to provide a net conservation and recreation benefit. It is anticipated that the Planning Department will be bringing forward an agenda item with this statement for the Board's approval during the November 13, 2012 meeting.

Action: Support the proposed land exchange application that will allow for the relocation of the Arendell Road access point to Thornton Road.

### **Mental Health Competency Restoration Services**

Issue: There are an increasing number of people charged with a felony offense that are incompetent to stand trial yet are ineligible for services under Chapter 916, Florida Statutes relating to mentally deficient and ill defendants. Currently, the statute limits services to a population with a diagnosed mental illness or a developmental disability. However, others diagnosed with a cognitive impairment are left with no relief. Upon encountering the criminal justice system these people often languish in jail or a pretrial status without an avenue to resolve their case because they have no options for competency restoration services. Competency restoration training is intended to assist defendants in understanding the court process and the charges against them so that they may participate in their own defense.

**Action:** Support amending Chapter 916 of Florida Statutes in order to expand the community-based competency training for any defendant found incompetent and may not meet criteria for an in-patient forensic program.

**Civic Center:**

**Issue:** In the FY 2013 state budget, language was included that authorized the Florida State University to acquire the civic center. The Governor signed the budget into law on April 20, 2012. This budget language allowed for a transfer of assets or the sale of the Tallahassee-Leon County Civic Center to Florida State University; however it would require approval by the Florida Legislature.

On May 22, 2012, the Board approved a Third Amendment to the Civic Center Agreement, which was agreed to by the County, City of Tallahassee, Tallahassee-Leon County Civic Center Authority, and The Florida State University. The amendment stipulates that all preceding Agreements entered into by and between the parties are rescinded and it releases the County and the City from any further responsibility or liability.

The Florida State University is interested in pursuing legislation during the 2013 legislative session to repeal the Tallahassee-Leon County Civic Center Authority and transfer management of the Tallahassee-Leon County Civic Center to Florida State University.

**Action:** Support the Florida State University in their efforts to repeal the Tallahassee-Leon County Civic Center Authority and transfer management of the Tallahassee-Leon County Civic Center to Florida State University.

**GrowFL:**

**Issue:** GrowFL is an economic development initiative that provides assistance to second-stage businesses. Employee numbers and revenue ranges vary by industry but the population of firms with 10 to 100 employees and/or \$750,000 to \$50 million in receipts includes the vast majority of second-stage companies. To be eligible for the GrowFL program, a business must:

- Be a for-profit, privately held, investment-grade business.
- Have at least 10 employees, but no more than 50.
- Have had its principal place of business within Florida for the previous two years.
- Generate at least \$1 million, but not more than \$25 million in annual revenue.
- Qualify for Florida's Qualified Target Industry (QTI) program, under s.288.106.
- Have increased both its number of full-time equivalent employees in Florida and its gross revenues during three of the previous five years.

The services provided by GrowFL include technical assistance focused on enhancing sales growth, CEO roundtable groups, peer-to-peer CEO networking groups of 10 to 15 CEO's each, webinars, and other services. A recent economic impact study shows that companies who participated in the GrowFL program created more than 1,400 direct jobs during the two year pilot program.

The Florida Economic Development Council (FEDC) has expressed concerns regarding the eligibility of the GrowFL program. For example, a company must show an increase in both full-time employees and gross revenues during three of the previous five years. Given the current state of the economy, some businesses have found it difficult to qualify for this program. It is anticipated that FEDC will consider pursuing legislation during the 2013 session to enhance the GrowFL program and expand the eligibility requirements in an effort to have more businesses qualify for this program.

Action: Support the FEDC's efforts to enhance GrowFL and expand the eligibility requirements of the program.

#### **Florida Association of Counties (FAC) Issues**

Issue: FAC represents 67 counties before the Florida 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 and the \$146 million in Medicaid retrospective reconciliation and new billing system changes passed in 2012), growth management, annexation, revenue-sharing, and water management issues. FAC will finalize their 2013 legislative program during their legislative conference scheduled for November 28, 2012.

Action: Support the 2013 FAC legislative program unless specific issues conflict with Leon County's interests.

#### **Community Legislative Dialogue Meetings**

For the past two years, the County has hosted 'Community Legislative Dialogue' meetings throughout session to engage our community and regional partners in identifying shared legislative priorities and interests. Last year, the Board designated Commissioner Desloge to host these meetings given his role with FAC. A total of three round table discussions were held with our community partners and surrounding counties. The meetings were held before session, in the middle of session, and at the end of session. All three meetings were well attended and the participants agreed that it was helpful to hear the priorities of other community partners.

If the Board would like to continue hosting the 'Community Legislative Dialogue' meetings on an ongoing basis, staff would typically recommend that the Chairman host these meetings each year. However, given the fact that Leon County is in the unique position this year of having a Commissioner serve as the President of the Florida Association of Counties, the Board may wish to designate Commissioner Desloge to once again host these meetings.

**FEDERAL LEGISLATIVE ISSUES:**

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 appropriation requests (Page #5 of the Analysis Section).

Patton Boggs recently assisted the County in securing a \$590,880 grant for the purchase of emergency medical services equipment. The grant funding assisted in the upgrade and/or the purchase of cardiac monitors; electrocardiogram; defibrillator; pacemaker; non-invasive blood pressure monitor; and trending. This grant includes the replacement of the cardiac monitors provided to the City of Tallahassee Fire Department Advanced Life Support (ALS) units under the Fire Services / ALS Agreement.

Patton Boggs has worked closely with staff on a select few federal policy issues and priorities that have been identified by the Board in the past year. Patton Boggs has been instrumental in the County's efforts to utilize the Federal Correctional Institution open space area adjacent to Town Brown Park for Little League baseball fields. Congressman Southerland introduced legislation concerning land conveyance from the Bureau of Prisons to Leon County for use for additional recreational space at Tom Brown Park. The bill was filed this past spring and Patton Boggs has been working with the Congressman's office and the committee of reference to schedule a hearing on the bill.

The County has also sought assistance from Patton Boggs to educate the Leon County Federal Delegation on the County's concerns regarding the U.S. Army Corps of Engineers permit that was issued for the Grady County, Georgia Dam project and its impact on the water quality and quantity in North Florida. Subsequently, Congressman Southerland has become engaged in this issue and is actively working with the County to express concerns to the U.S. Army Corps of Engineers regarding the Grady County Dam project. On October 12, 2012, Patton Boggs coordinated a meeting between Congressman Southerland, Commissioner Maddox, the County Attorney and staff regarding the Grady County Dam. This meeting was held prior to Congressman Southerland meeting with the Army Corp of Engineers to formally request that the Corp work with the County to derive appropriate flow figures, both under normal and flood conditions, that are needed to ensure adequate water supply to Lake Iamonia for recreational use and avoid additional harmful, downstream ecosystem-wide impacts.

Staff has prepared two federal policy requests for the 113<sup>th</sup> Congress and to provide direction to the County's federal lobbying team (*for complete information, see Attachment #3*):

### **PACE**

**Issue:**

In August 2010, the Federal Housing and Finance Agency (FHFA), the Federal Home Loan Mortgage Corporation (Freddie Mac), and Federal National Mortgage Association (Fannie Mae) expressed concerns because PACE financing takes a senior lien position in terms of property-based debt repayment obligations and asserted that these assessments make it harder to make repayments of those loans, and the risk cannot be supported by these entities. Therefore, FHFA directed Fannie/Freddie to take actions that they restrict mortgage lending opportunities and lower credit lines for homeowners who live in local governments that offer home energy retrofit programs such as Leon County. HR 2599 was filed in July 2011, entitled the PACE Assessment Protection Act of 2011, to rescind the directives of FHFA. On August 23, 2011, the Board adopted a Resolution in support of the PACE Assessment Protection Act of 2011.

On June 15, 2012, the FHFA introduced a proposed Rule regarding under what conditions Fannie Mae and Freddie Mac will purchase mortgages for properties participating in PACE programs. Under the process of adopting the proposed Rule, Leon County, along other local governments, municipalities, as well as environmental agencies, provided comments regarding the proposed Rule. Leon County submitted its proposed comments on September 13, 2012.

In September, Congresswoman Nan Hayworth (R NY-19) along with Congressman Mike Thompson (D CA-1) and Congressman Dan Lungren (R CA-3) wrote a letter to FHFA recommending that the final rule contain a path that parallels their bill, H.R.2599, the PACE Assessment Protection Act of 2011 which now has 54 co-sponsors

**Action:**

Support federal legislation to negate or minimize the actions taken by FHFA, Fannie Mae, and Freddie Mac and enact legislation to empower PACE programs.

### **Federal Correctional Institution Property**

**Issue:**

On June 14, 2011, the Board authorized Commissioner Desloge to reach out to the Federal Correctional Institution (FCI) for usage of open space adjacent to the FCI facility for Little League baseball fields. The open space is adjacent to Tom Brown Park. The initial response from the Federal Bureau of Prisons indicated that it did not have the authority to grant the County's request. On September 20, 2011, Commissioner Desloge and staff met with FCI Warden Taylor to familiarize him with the County's proposal. At that time, Warden Taylor agreed to support the County's efforts to gain authorization for the use of the property.

On March 7, 2012, Congressman Steve Southerland introduced legislation concerning land conveyance from the Bureau of Prisons to Leon County for use for additional recreational space at Tom Brown Park. Congressman Ander Crenshaw agreed to co-sponsor the bill. The House Subcommittee on Crime, Terrorism, and Homeland Security has been getting some pushback with regard to the legislation from the U.S. Bureau of Prisons' headquarters in Washington, D.C as the land has not been discharged as 'surplus' property. Subsequently, the County sent a letter to the Bureau of Prisons to request that it allow the legislative process to proceed without objection. To date, the legislation has not yet been heard in the Subcommittee on Crime, Terrorism, and Homeland Security.

**Action:** Continue to work with Patton Boggs to secure the usage of property at the Federal Correctional Institution facility for the purpose of constructing baseball fields.

Staff coordinates regularly with Patton Boggs by phone and e-mail to strategize on key federal budget issues and to identify new federal grant opportunities that could potentially fund County project requests. In addition, Patton Boggs 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. It is important to note that the NACO Legislative Conference is scheduled for March 2-6, 2013 in Washington, D.C. In the past, Commissioners and County staff have used the NACO Legislative Conference as an opportunity to meet with the Leon County Federal Legislative Delegation to advocate for the County's federal priorities.

**Options:**

1. Approve the 2013 state and federal legislative priorities, as presented.
2. Designate a Commissioner to host the Community Legislative Dialogue meetings for the 2013 Session.
3. Approve the 2013 state and federal legislative priorities as amended by the Board.
4. Board Direction.

**Recommendation:**

Options #1 and #2.

**Attachments:**

1. 2013 State and Federal Legislative Session Appropriation Request Forms and Related Materials.
2. 2013 State Legislative Session Policy Request Related Materials.
3. 2013 Federal Policy Request and Related Materials.

## 2013 Appropriation Request Form

Please Check: Federal Appropriation:  X  State Appropriation:  X

Department/Division:  Blueprint 2000

Contact:  Charles Hargraves

Phone:  219-1060  Fax:  219-1098  E-Mail:  charles.hargraves@blueprint2000.org

Project Title:  Capital Circle Southwest

1. Project Description:

The project is to complete the widening of Capital Circle SW (CCSW) to six-lanes through Orange Avenue. During the 2011 session, the Legislature appropriated \$9.2 million for construction to widen Capital Circle at the intersection of Blountstown Highway. An additional \$8 million is required to construct a remaining 1,300 feet through the Orange Avenue intersection. Capital Circle SW is an important junction in the efficiency of traffic movements along both roadway corridors. Construction will begin November 2012 for the Capital Circle SW from the segment from Blountstown to just north of the Orange Avenue intersection.

On September 18, 2012, the Chairman sent a letter to Governor Scott requesting that this project be included in the list of projects for funding from the U.S. Department of Transportation's unspent earmarks between FY 2003 and FY 2006. Patton Boggs was able to secure the support of Congressman Southerland (R FL-2) and Senator Rubio (R-FL) who made calls to the Governor's office on behalf of Leon County's request. However, this project was not included in the request to the US DOT. The Florida Department of Transportation requested that the funds be reallocated to the projects for which the funding was originally earmarked.

2. Purpose of Project and Outcome Expected:

Capital Circle is a major arterial roadway circling the Tallahassee urban area. It links a regional expressway (Interstate 10) with US 27, 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 project is a joint funded effort, with Blueprint 2000 coordinating the design and construction, and the Florida Department of Transportation (FDOT) funding right-of-way costs. FDOT provided \$42 million for right-of-way costs.

3. Service Provided/Benefit to State:

The Leon County and Tallahassee Commissions, through their "Southern Strategy," are attempting to spur economic growth in the southern area of the County and City with a combination of roadway improvements, sector planning efforts, growth management and economic incentives.

This corridor is an important junction in the efficiency of traffic movement along both roadway corridors (Capital Circle SW and Orange Avenue) providing greater access to the Tallahassee Regional Airport and Interstate 10. This also serves as one of the primary evacuation routes from the central coastal panhandle.

Title: 2013 Appropriation Request  
Project: Capital Circle Southwest  
Page: 2

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4. Population Served:

All regional coastal residents of neighboring counties will benefit from this project. The current Annual Average Daily Traffic count is 20,400, and is expected to increase to 40,900 by the year 2030. Additionally, this roadway will serve significant regional and national populations associated with services and travel through the Tallahassee Regional Airport.

5. Projected Dates for Construction/Operation:

Construction would commence once funding is available with duration of 6-12 months.

6. Funding:

Federal Funding Requested (as applicable): **\$8 million**

State Funding Requested (as applicable): **\$8 million**

Present or Pending Funding Sources (including county):

## 2013 Appropriation Request Form

Please Check: Federal Appropriation:  X  State Appropriation: \_\_\_\_\_

Department/Division: Capitol Regional Transportation Planning Agency (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 design of Woodville Highway to widen the existing two-lane segment to four lanes from Paul Russell Road 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.

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 the Florida Department of Transportation (FDOT) to perform a Project Development and Environment (PD&E) study for a portion of Woodville Highway from Gaile Avenue to Capital Circle. On March 11, 2008, the Board authorized the expenditure 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. On April 12, 2011, the Board amended its Agreement with FDOT for a PD&E study of Woodville Highway, from Gaile Avenue to Capital Circle, to extend north to Paul Russell Road. Several reasons for the extension include adding sidewalks, designing pedestrian crossings, and addressing any potential for redevelopment of the Leon County Fairgrounds, all of which could have a significant impact on future traffic patterns.

CRTPA held a meeting last year with property owners and residents to kick-off a corridor study that will be utilized to develop the Corridor Master Plan. The final Corridor Master Plan was completed in November 2011. The PD&E study has been under way for the last year and is expected to be completed in early 2013.

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.

2013 Appropriation Request  
Topic: CRTPA: Woodville Highway  
Page 2

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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. Given the importance of the corridor to the region, it is currently being evaluated by a citizen committee as a potential project to be funded with the local government infrastructure surtax extension.
  
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 at a future date by FDOT.
  
6. Funding:  
Federal Funding Requested (as applicable): **\$4.2 million for design**  
State Funding Requested (as applicable):  
Present or Pending Funding Sources (including county): **\$1.0 million for design**

## 2013 Appropriation Request Form

Please Check: Federal Appropriation:  X  State Appropriation:  X

Department/Division: Public Works/Engineering Services

Contact: Tony Park

Phone: 606-1500 Fax: 606-1501 E-Mail: parkt@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 1,500 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 will be 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. However, during its April 12, 2011 Workshop on the Infrastructure Sales Tax Extension, Board identified the Woodville project for future discussion regarding funding. This project was presented to the Sales Tax Committee for consideration for funding. It is anticipated that the Sales Tax Committee will finalize their recommendations in June 2013.

6. Funding:

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

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

Present or Pending Funding Sources (including county):

## 2013 Appropriation Request Form

Please Check: Federal Appropriation: \_\_\_\_\_ State Appropriation: \_\_\_\_\_ X

Department/Division: Tourism Development

Contact: Lee Daniel

Phone: 606-2300 Fax: 606-2304 E-Mail: DanielLee@leoncountyfl.gov

Project Title: America's First Christmas

1. Project Description:

The Leon County Division of Tourism Development has been working with the Friends of America's First Christmas to help promote the site near Cascades Park as a tourism destination.

2. Purpose of Project and Outcome Expected:

Archeologists have uncovered artifacts that they believe confirm an encampment site of Hernando de Soto in the large abandoned Apalachee tribe village of Anhaica, in what is now the City of Tallahassee, near Cascades Park. This village had more than 250 structures, which helped de Soto decide to spend the winter of 1539 there to rest his army, repair equipment, and wait for the arrival of supplies. Documents report that de Soto traveled with three priests and a full communion set to commemorate Catholic mass, and because of this, it is thought that the First Christmas in America was celebrated at the site.

At this time, there is not much to see at the First Christmas site. Local resident Bert Pope is heading a community effort to create awareness and looking to partner with other stakeholders, including the State of Florida, to build a tourist-friendly facility that could become a historical attraction for Leon County.

3. Service Provided/Benefit to State:

Recently, the Florida Senate adopted a resolution commemorating America's First Christmas, 1539, Tallahassee, Florida. Currently, the Citizens Stamp Advisory Committee of the United States Postal Service is reviewing a commemorative stamp for this event.

4. Population Served:

In commemoration of Florida's 500<sup>th</sup> anniversary next year, Mission San Luis will be hosting a special reenactment event entitled, *First Christmas in La Florida*, on January 5, 2013 to include a mass reenactment, living history demonstrations, and period vocal and instrumental music as part of the statewide Viva Florida campaign.

5. Projected Dates for Construction/Operation:

Staff is working with the City of Tallahassee and members of the Leon County Legislative Delegation in formulating a state legislative appropriations request for the 2013 legislative session, specific to America's First Christmas. Details of the project request have not yet been finalized.

6. Funding:

Federal Funding Requested (as applicable): **TBA**

State Funding Requested (as applicable): **TBA**

Present or Pending Funding Sources (including county):

## 2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

Phone: 606-5300 Fax: 606-5301 E-Mail: paredesc@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.

During the upcoming session, the Legislature is expected to have further discussions on increasing employee contribution to the Florida Retirement System (FRS) and the State Employee Health Insurance. There have been attempts in the past few sessions to cap the state's total spending on employee health insurance and in effect increase in health insurance premiums of state employees. State employees last received a raise in FY 2007, in the amount of 3%, followed by a one-time \$1,000 bonus in FY 2008.

### Recommended County Position, Recommended Change in Florida Statutes:

Oppose any additional reductions to state employee benefits and encourage the Legislature to study the economic impact of FRS and health insurance reform.

## 2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

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

Topic: **Internet Cafes**

Problem/Need:

The proliferation of simulated gambling facilities, also known as “internet cafes,” functioning as gaming parlors has raised many concerns about their operations and potential impact on communities. On June 14, 2011, the Board adopted an ordinance regulating internet cafes in Leon County. There are currently 14 internet cafes in Leon County, of which 11 have completed their annual re-licensing process. The remaining three establishments are still in the process of finalizing their applications and paying the associated fees. The deadline for this process is Wednesday, October 17, 2012.

During the beginning weeks of the 2012 session, internet cafes and destination casinos were discussed in several committees. The House and Senate views greatly differed on how to approach both topics. The Senate pushed to regulate the internet cafes and mostly supported the destination casinos in South Florida. However, the House pursued an outright ban of the internet cafes and did not take a position on the destination casinos this session. Staff anticipates that several bills will be filed during the 2013 session regarding both destination casinos and internet cafes, some of which would preempt local government regulation of internet cafes.

The County ordinance regulates the location and operation of simulated gambling facilities. However, the gaming devices utilized at the facilities are not regulated at the local or state level. Through the Department of Agriculture and Consumer Services and Department of Business and Professional Regulations, the State oversees the inspection of numerous equipment and devices but does not regulate the equipment and devices used in the internet cafes.

Recommended County Position, Recommended Change in Florida Statutes:

Support legislation that maintains the County’s home rule authority and provides for state inspection of gaming devices.

## 2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

Phone: 606-5300

Fax: 606-5301

E-Mail: paredesc@leoncountyfl.gov

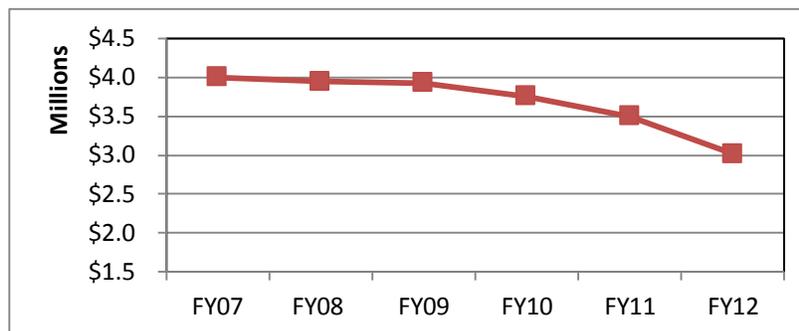
Topic: Communications Service Tax

### Problem/Need:

The Communication Service Tax (CST) is a tax on the retail sales of communications services, which include voice, data, audio, video and any other information including cable (video) services. Internet access, as defined by the Internet Tax Freedom Act, email services, and prepaid calling arrangements (cards and cellphones) are not included and account for approximately 25% to 40% of all wireless phones. The proceeds from the tax are transferred to county and municipal governments, the Public Education Capital Outlay and Debt Service Trust Fund, and the state's General Revenue Fund.

A county or municipality may choose to levy the CST by ordinance. Currently, Leon County levies a CST 6.02% within the unincorporated areas of the County. The City of Tallahassee's rate is applied to those individuals who live within the city limits and is levied at 6.90%. Over the past six fiscal years, the revenues from the CST have declined by an average of 5.4%. The chart below illustrates the downward trend of this revenue source.

**Graph #1: Leon County Communications Service Tax Revenue**



Currently, the Florida Department of Revenue (DOR) administers the statewide collection of the state and local tax payments. Dealers/retailers who collect local communications services tax must notify the DOR of the method employed to accurately assign addresses to the appropriate taxing jurisdiction. The DOR maintains a database that provides the local taxing jurisdiction for all addresses in Florida. The database contains county and municipal names for every address and is based on information provided by the local taxing jurisdiction and updated at least once every six months. The amount of revenue collected is dependent on the jurisdiction's local CST rate. A county government's local CST is charged to those billable customers residing within the unincorporated area. A municipal government's local CST is charged to those billable customers residing within the incorporated area. There are currently 122 different local CST rates.

During the 2012 session, the Legislature passed a bill that made changes to definitions of the CST, and creates a workgroup to study the tax to make recommendations on future communications tax policies. The state levies a 6.65% communications services tax on items such as phone service and local governments apply a wide range of additional taxes that range from 0.1% to 7%. A key provision in HB 809 provided a broad CST exemption for certain services and hardware that are not separately stated on a customer's bill. For example, phone/cable service, in "bundles" with digital items such as cloud data storage or home security, would not have to pay communications taxes.

Furthermore, the legislation created the Communications Services Tax Working Group within the Department of Revenue to review a series of policies regarding the tax including: review of national and state tax policies relating to the communications industry; review the fairness of the state's communications tax laws and the administrative burdens it contains, including whether the applicability of the tax laws is reasonably clear to communications services providers, retailers, customers, local government entities and state administrators; identify options for streamlining the administrative system. The Workgroup consists of the following members:

- Marshall Stranburg, Chair Interim Executive Director, Florida Department of Revenue
- Charlie Dudley, General Counsel, Florida Cable Telecommunications Association
- Sharon R. Fox, Tax Revenue Coordinator, City of Tampa
- Kathleen Kittrick, Director of State Government Affairs, Verizon
- Gary S. Lindsey, Director of External Tax Policy, AT&T
- The Honorable Gary Resnick, Mayor, City of Wilton Manors
- Alan Rosenzweig, Deputy County Administrator, Leon County
- Brian D. Smith, Director of Transactional Taxes, the DirecTV GROUP, Inc.
- Davin J. Suggs, Senior Legislative Advocate, Florida Association of Counties

The two priorities of the Workgroup is to 1) identify options for streamlining the administrative system and 2) identify options that remove competitive advantages within the industry as it relates to the state's tax structure without unduly reducing revenue to local governments. The Workgroup's recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2013.

Recommended County Position, Recommended Change in Florida Statutes:

Support legislation that is revenue neutral; simplifies administration and collection of the current tax; enhances the stability and reliability as an important revenue source for local government; and provides for the opportunity for market-based growth.

## 2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

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

Topic: **Thornton Road Land Exchange**

### Problem/Need:

During development of the Planned Unit Development application for the City's Welaunee Plantation property, significant discussions were held regarding access to this property from Miccosukee Road.

Under the terms of the purchase agreement of the 428 acres of the Welaunee Plantation property, the City has rights to cross the Miccosukee Greenway at Edenfield Road and Arendell Road. One option that was identified to enhance access to the Welaunee property is to relocate the Arendell Road connection to Thornton Road ("Thornton Road Extension").

This option provided the following benefits:

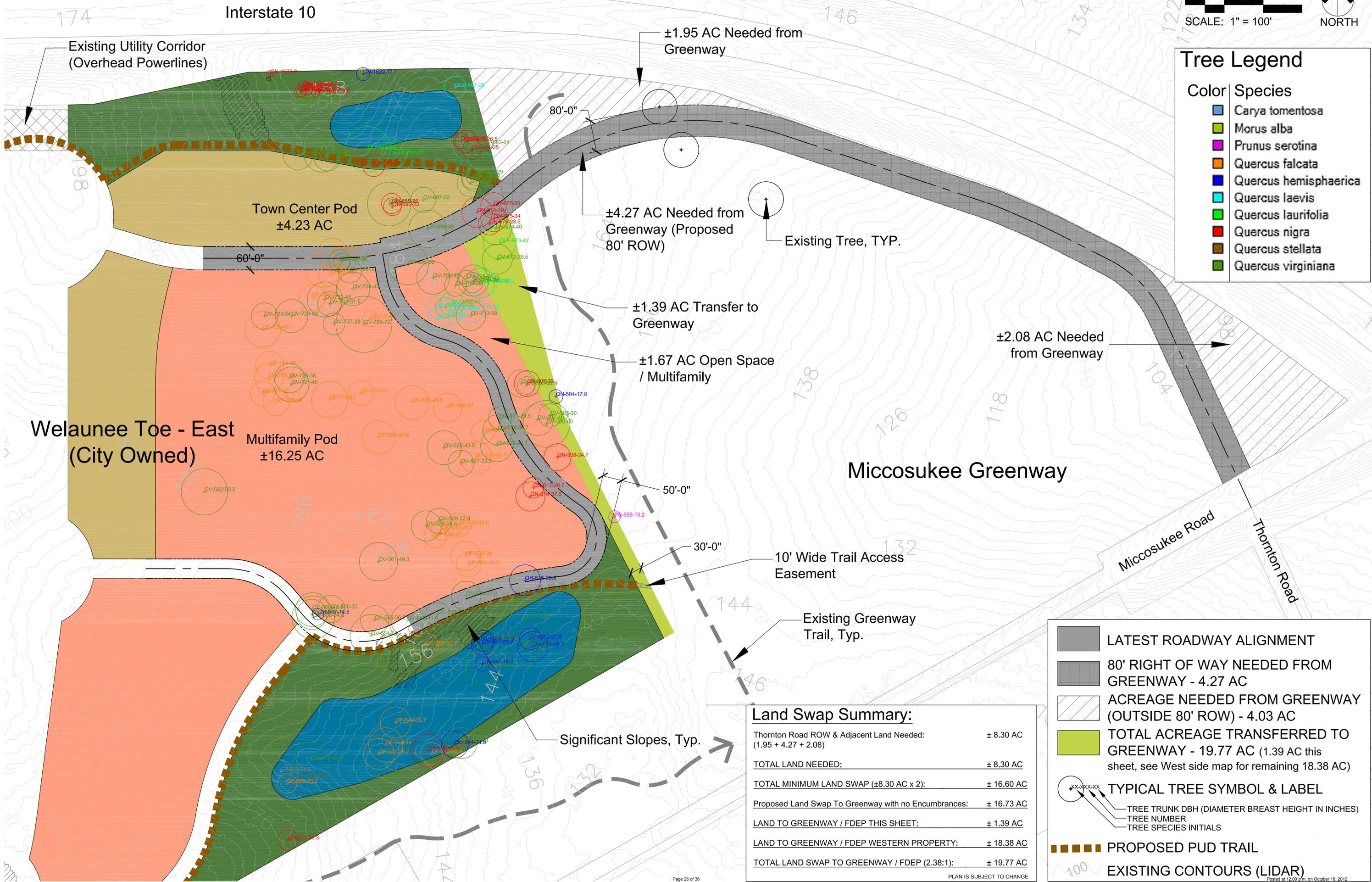
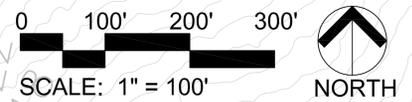
- Addressed the concerns of the Arendell Hills Neighborhood Association regarding the traffic load in their subdivision if the Arendell Road connection were developed.
- Addressed an inconsistency in the long range mobility plans that called for the extension of Thornton Road from Mahan to Centerville.
- Resulted in fewer impacts to the tree canopy along Miccosukee Road.
- Provided for enhanced regional mobility that will be supportive of a potential new I-10 interchange with the new Welaunee Boulevard.

Any relocation of the Arendell Road access point requires the approval of the State of Florida Board of Trustees for the Internal Improvement Trust Fund, since the relocation impacts state lands (the Miccosukee Road Greenway).

As the managing agency for the Miccosukee Greenway, the County will need a statement of written approval describing how the proposed easement conforms to the management plan when the easement application involves state land which is under lease, sublease, easement, or management agreement. The Thornton Road Extension requires a 2:1 land exchange to provide a net conservation and recreation benefit (see attached map). It is anticipated that the Planning Department will be bringing forward an agenda item with this statement for the Board's approval during the November 13, 2012 meeting.

### Recommended County Position, Recommended Change in Florida Statutes:

Support the proposed land exchange application that will allow for the relocation of the Arendell Road access point to Thornton Road.



### Tree Legend

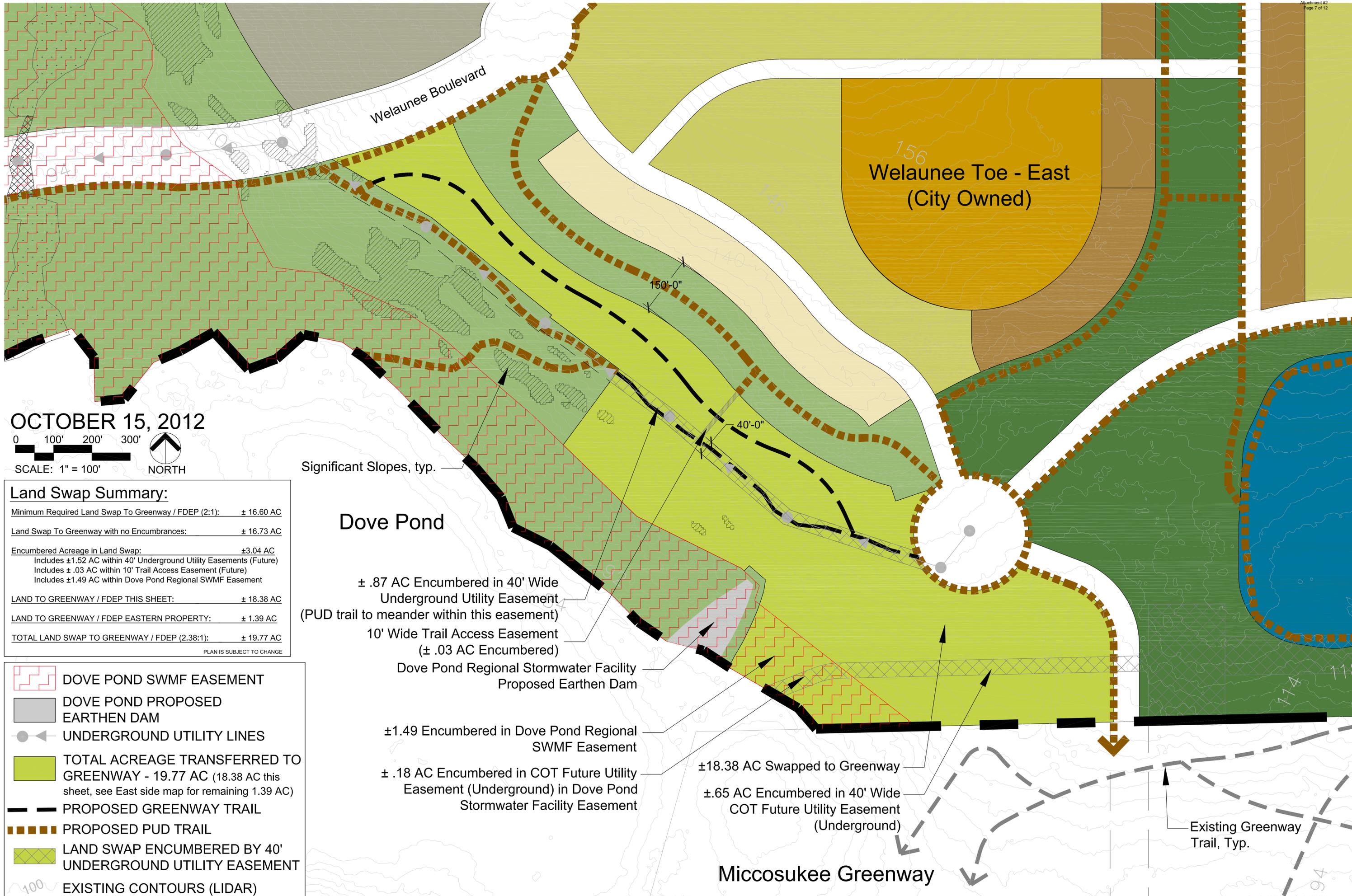
Color	Species
Blue	<i>Carya tomentosa</i>
Yellow-Green	<i>Morus alba</i>
Pink	<i>Prunus serotina</i>
Orange	<i>Quercus falcata</i>
Light Blue	<i>Quercus hemisphaerica</i>
Light Green	<i>Quercus laevis</i>
Green	<i>Quercus laurifolia</i>
Red	<i>Quercus nigra</i>
Brown	<i>Quercus stellata</i>
Dark Green	<i>Quercus virginiana</i>

### Land Swap Summary:

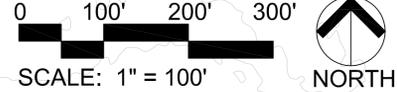
Thorton Road ROW & Adjacent Land Needed: (1.95 + 4.27 + 2.08)	± 8.30 AC
TOTAL LAND NEEDED:	± 8.30 AC
TOTAL MINIMUM LAND SWAP (±8.30 AC x 2):	± 16.60 AC
Proposed Land Swap To Greenway with no Encumbrances:	± 16.73 AC
LAND TO GREENWAY / FDEP THIS SHEET:	± 1.39 AC
LAND TO GREENWAY / FDEP WESTERN PROPERTY:	± 18.38 AC
TOTAL LAND SWAP TO GREENWAY / FDEP (2.38:1):	± 19.77 AC

PLAN IS SUBJECT TO CHANGE

- LATEST ROADWAY ALIGNMENT
- 80' RIGHT OF WAY NEEDED FROM GREENWAY - 4.27 AC
- ACREAGE NEEDED FROM GREENWAY (OUTSIDE 80' ROW) - 4.03 AC
- TOTAL ACREAGE TRANSFERRED TO GREENWAY - 19.77 AC (1.39 AC this sheet, see West side map for remaining 18.38 AC)
- TYPICAL TREE SYMBOL & LABEL
  - TREE TRUNK DBH (DIAMETER BREST HEIGHT IN INCHES)
  - TREE NUMBER
  - TREE SPECIES INITIALS
- PROPOSED PUD TRAIL
- EXISTING CONTOURS (LIDAR)



OCTOBER 15, 2012



**Land Swap Summary:**

Minimum Required Land Swap To Greenway / FDEP (2:1):	± 16.60 AC
Land Swap To Greenway with no Encumbrances:	± 16.73 AC
Encumbered Acreage in Land Swap:	± 3.04 AC
Includes ± 1.52 AC within 40' Underground Utility Easements (Future)	
Includes ± .03 AC within 10' Trail Access Easement (Future)	
Includes ± 1.49 AC within Dove Pond Regional SWMF Easement	
LAND TO GREENWAY / FDEP THIS SHEET:	± 18.38 AC
LAND TO GREENWAY / FDEP EASTERN PROPERTY:	± 1.39 AC
TOTAL LAND SWAP TO GREENWAY / FDEP (2.38:1):	± 19.77 AC

PLAN IS SUBJECT TO CHANGE

- DOVE POND SWMF EASEMENT
- DOVE POND PROPOSED EARTHEN DAM
- UNDERGROUND UTILITY LINES
- TOTAL ACREAGE TRANSFERRED TO GREENWAY - 19.77 AC (18.38 AC this sheet, see East side map for remaining 1.39 AC)
- PROPOSED GREENWAY TRAIL
- PROPOSED PUD TRAIL
- LAND SWAP ENCUMBERED BY 40' UNDERGROUND UTILITY EASEMENT
- EXISTING CONTOURS (LIDAR)

Significant Slopes, typ.

**Dove Pond**

- ± .87 AC Encumbered in 40' Wide Underground Utility Easement (PUD trail to meander within this easement)
- 10' Wide Trail Access Easement (± .03 AC Encumbered)
- Dove Pond Regional Stormwater Facility Proposed Earthen Dam
- ± 1.49 Encumbered in Dove Pond Regional SWMF Easement
- ± .18 AC Encumbered in COT Future Utility Easement (Underground) in Dove Pond Stormwater Facility Easement

- ± 18.38 AC Swapped to Greenway
- ± .65 AC Encumbered in 40' Wide COT Future Utility Easement (Underground)

**Miccosukee Greenway**

Existing Greenway Trail, Typ.

## 2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

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

Topic: **Mental Health Competency Restoration Services**

### Problem/Need:

There are an increasing number of people charged with a felony offense that are incompetent to stand trial yet are ineligible for services under Chapter 916, Florida Statutes relating to mentally deficient and ill defendants. Currently, the statute limits services to a population with a diagnosed mental illness or a developmental disability. However, others diagnosed with a cognitive impairment are left with no relief. Upon encountering the criminal justice system these people often languish in jail or a pretrial status without an avenue to resolve their case because they have no options for competency restoration services.

Competency training is intended to assist defendants in understanding the court process and the charges against them so that they may participate in their own defense. There are six primary components in the evaluation that the Court must consider in addressing a defendant's competency to proceed. The defendant must:

1. Appreciate the charges or allegations against him;
2. Appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against him;
3. Understand the adversarial nature of the legal process;
4. Disclose to counsel facts pertinent to the proceedings at issue;
5. Manifest appropriate courtroom behavior; and,
6. Testify relevantly.

### Recommended County Position, Recommended Change in Florida Statutes:

Support amending Chapter 916 of Florida Statutes in order to expand the community based competency training for any defendant found incompetent and may not meet criteria for an in-patient forensic program.

**2013 State Legislative Session**  
Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

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

Topic: **Civic Center**

Problem/Need:

In the FY 2013 state budget, language was included that authorized the Florida State University to acquire the civic center. The Governor signed the budget into law on April 20, 2012. This budget language allowed for a for a transfer of assets or the sale of the Tallahassee-Leon County Civic Center to Florida State University; however it would require approval by the Florida Legislature.

On May 22, 2012, the Board approved a Third Amendment to the Civic Center Agreement. The revised Third Amendment to Agreement was agreed to by the County, City of Tallahassee, Tallahassee-Leon County Civic Center Authority, and The Florida State University that stipulated the following conditions:

1. That all preceding Agreements entered into by and between the parties are rescinded to fully release the County and the City from any further responsibility or liability as set forth in said Agreements, including payment of any future annual operating deficits;
2. That Florida State University continues the operation of the Civic Center for the use and enjoyment of the Tallahassee and Leon County community at the same level of use as is currently enjoyed. Further, Florida State University agrees to the appointment of a Civic Center Advisory Board for the purpose of advising Florida State University with respect to the continued use and availability of the Civic Center to individuals and community groups outside of Florida State University. The Advisory Board shall meet at the call of the Chair, at least three times per year, and shall be made up of three members appointed by the City of Tallahassee, three members appointed by Leon County, one member appointed by FAMU, and eight members appointed by Florida State University and establish a "community board" consisting of citizens to provide input and recommendations on said use of the Civic Center;
3. That the Civic Center Authority and Florida State University will continue the current practice for priority use of the Civic Center by Leon County Schools for local high school graduation ceremonies; and,
4. That Florida State University enters into a Lease Agreement with the Civic Center Authority until such time a transfer of assets or sale of the Civic Center to Florida State University is approved by the Florida Legislature.

The Florida State University is interested in pursuing legislation during the 2013 legislative session to repeal the Tallahassee-Leon County Civic Center Authority and transfer management of the Tallahassee-Leon County Civic Center to Florida State University.

Recommended County Position, Recommended Change in Florida Statutes:

Support the Florida State University in their efforts to repeal the Tallahassee-Leon County Civic Center Authority and transfer management of the Tallahassee-Leon County Civic Center to Florida State University.

## 2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

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

Topic: GrowFL

### Problem/Need

In the summer of 2009, the Florida Legislature approved funding for a statewide economic gardening program to create new jobs and build a stronger economy for current and future generations of Floridians. Economic Gardening is a philosophy to support local businesses that centers on emerging stage-one companies and second-stage growth companies through the support of the entrepreneurs who run them. Specific tools are applied that are most relevant to the needs of these entrepreneurs to find new customers, increase revenue, share best practices and ultimately create primary jobs that support the local economy.

GrowFL is an economic development initiative that provides assistance to second-stage businesses. Employee numbers and revenue ranges vary by industry, but the population of firms with 10 to 100 employees and/or \$750,000 to \$50 million in receipts includes the vast majority of second-stage companies. To be eligible for the GrowFL program, a business must:

- Be a for-profit, privately held, investment-grade business
- Have at least 10 employees, but no more than 50
- Have had its principal place of business within Florida for the previous two years
- Generate at least \$1 million, but not more than \$25 million in annual revenue
- Qualify for Florida's Qualified Target Industry (QTI) program, under s.288.106
- Have increased both its number of full-time equivalent employees in Florida, and its gross revenues during three of the previous five years

The services provided by GrowFL include technical assistance focused on enhancing sales growth, CEO roundtable groups, peer-to-peer CEO networking groups of 10 to 15 CEO's each, webinars, and other services. A recent economic impact study shows that companies who participated in the GrowFL program created more than 1,400 direct jobs during the two year pilot program.

The Florida Economic Development Council (FEDC) has expressed concerns regarding the eligibility of the GrowFL program. For example, a company must show an increase in both full-time employees and gross revenues during three of the previous five years. Given the current state of the economy, some businesses have found it difficult to qualify for this program. It is anticipated that FEDC will consider pursuing legislation during the 2013 session to enhance the GrowFL program and expand the eligibility requirements in effort to have more businesses qualify for this program.

2013 State Legislative Session

Topic: GrowFL

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Recommended County Position, Recommended Change in Florida Statutes:

Support the FEDC's efforts to enhance GrowFL and expand the eligibility requirements of the program.

## 2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

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

Topic: **Florida Association of Counties**

### Problem/Need

FAC represents 67 counties before the Florida 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 and the \$146 million in Medicaid retrospective reconciliation and new billing system changes passed in 2012), growth management, annexation, revenue-sharing, and water management issues. FAC will finalize their 2013 legislative program during their legislative conference scheduled for November 28, 2012.

### Recommended County Position, Recommended Change in Florida Statutes:

Support the 2013 FAC legislative program unless specific issues conflict with Leon County's interests.

## 2013 Federal Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

Phone: 606-5300

Fax: 606-5301

E-Mail: paredesc@leoncountyfl.gov

Topic: **PACE**

### Problem/Need:

On April 22, 2010, the Board of County Commissioners of Leon County adopted an ordinance creating the Leon County Energy Improvement District which, among other things, provides for property accessed clean energy (“PACE”), as well as certain energy improvements and weatherization programs for both homes and businesses in Leon County. On July 21, 2010, the Board of County Commissioners adopted an amended ordinance making certain technical changes to comport our ordinance with the recently enacted state legislation.

In August 2010, the Federal Housing and Finance Agency (FHFA), the Federal Home Loan Mortgage Corporation (Freddie Mac), and Federal National Mortgage Association (Fannie Mae) expressed concerns because PACE financing takes a senior lien position in terms of property-based debt repayment obligations and asserted that these assessments make it harder to make repayments of those loans, and the risk cannot be supported by these entities. Therefore, FHFA directed Fannie/Freddie to take actions that restrict mortgage lending opportunities and lower credit lines for homeowners who live in local governments that offer home energy retrofit programs, such as Leon County.

Following FHFA’s actions, HR 5766 was filed in the U.S. House of Representatives to prevent FHFA, Fannie, and Freddie from negatively impacting programs that meet certain guidelines that have been published by the Department of Energy. These guidelines were incorporated into the enabling ordinance when the Board established Leon County’s program. However, no further action was taken on the bill.

On September 21, 2010 the Board directed the County Attorney to initiate litigation against FHFA, Fannie Mae and Freddie Mac. The suit was filed on October 8, 2010.

HR 2599 was filed in July 2011, entitled the PACE Assessment Protection Act of 2011, to rescind the directives of FHFA. On August 23, 2011, the Board adopted a Resolution in support of the PACE Assessment Protection Act of 2011. Judge Robert Hinkle entered an Order granting the Defendants’ Motion to Dismiss the Complaint on September 30, 2011. The Board authorized the County Attorney’s Office to file an appeal with the U.S. Court of Appeals for the 11<sup>th</sup> Circuit on October 11, 2011. The Notice of Appeal was filed with the 11<sup>th</sup> Circuit on November 28, 2011. The Plaintiffs and the Defendants have

2013 Federal Legislative Session

Topic: PACE

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filed their respective briefs and the matter is scheduled for oral argument before the 11<sup>th</sup> Circuit on October 29, 2012 in Atlanta, Georgia.

On January 26, 2012, the FHFA commenced the Court ordered rulemaking process by requesting comments for the FHFA Rule concerning mortgage assets affected by PACE programs. Leon County, along with other local governments and municipalities throughout the U.S., provided comments to FHFA on March 26, 2012. Patton Boggs provided the County's FHFA comments to Congressman Southerland's office and urged the Congressman's continued support for the House to move Congresswoman Haworth's bill, H.R. 2599, the PACE Assessment Protection Act of 2011. Several members of Congress, including those sponsoring H.R. 2599, also wrote a letter to FHFA urging FHFA to drop its opposition to PACE programs and to work with Congress to ensure that PACE assessments are implemented in an expeditious manner.

On June 15, 2012, the FHFA introduced a proposed Rule regarding under what conditions Fannie Mae and Freddie Mac will purchase mortgages for properties participating in PACE programs (77 Fed. Reg. 36086). Under the process of adopting the proposed Rule, Leon County, along with scores of other local governments and municipalities, as well as environmental agencies, provided comments regarding the proposed Rule. Leon County submitted its proposed comments on September 13, 2012.

Also, in September, Congresswoman Nan Hayworth (R NY-19) along with Congressman Mike Thompson (D CA-1) and Congressman Dan Lungren (R CA-3) wrote a letter to FHFA recommending that the final rule contain a path that parallels their bill, H.R.2599, the PACE Assessment Protection Act of 2011, which now has 54 co-sponsors.

However, the FHFA is currently appealing to the 9<sup>th</sup> Circuit and is waiting for that court to rule as to whether the FHFA will have to issue a Final Rule on PACE programs. FHFA is also reserving the right to seek a stay by the 9<sup>th</sup> Circuit Court of the final rule being put out. According to FHFA, the earliest this issue is expected to have any movement is in early 2013.

Recommended County Position, Recommended Change in Federal Statutes:

Support federal legislation to negate or minimize the actions taken by FHFA, Fannie Mae, and Freddie Mac and enact legislation to empower PACE programs.

## 2013 Federal Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

Phone: 606-5300

Fax: 606-5301

E-Mail: paredesc@leoncountyfl.gov

Topic: Use of Federal Correctional Institution Property

### Problem/Need:

On June 14, 2011, the Board authorized Commissioner Desloge to reach out to the Federal Correctional Institution (FCI) for usage of open space adjacent to the FCI facility for Little League baseball fields. The open space is adjacent to Tom Brown Park.

On July 29, 2011 Commissioner Desloge sent a letter to the Federal Bureau of Prisons on behalf of the Board requesting the use of open space adjacent to the Federal Correctional Institution (FCI) facility for Little League baseball fields. The initial response from the Federal Bureau of Prisons indicated that it did not have the authority to grant the County's request. On September 20, 2011, Commissioner Desloge and staff met with FCI Warden William Taylor to familiarize him with the County's proposal, seek FCI's support of the project, and assure him that the County and its lobbying team would take the lead in working with the Department of Justice. At that time, the Warden Taylor agreed to support the County's efforts to gain authorization for the use of the property.

On February 24, 2012, Congressman Steve Southerland met with County Commissioner Desloge and representatives from the Mayor of Tallahassee's office to discuss possible land conveyance legislation from the federal Bureau of Prisons to the County to expand Tom Brown Park.

On March 7, 2012, Congressman Steve Southerland introduced legislation concerning land conveyance from the Bureau of Prisons to Leon County for use for additional recreational space at Tom Brown Park. Congressman Ander Crenshaw agreed to co-sponsor the bill. The bill was originally referred to the House Committee on Judiciary, Subcommittee on the Constitution. However, it was reassigned to the Subcommittee on Crime, Terrorism, and Homeland Security. The Subcommittee notified Congressman Southerland's office of two issues it needs addressed at this time in order to proceed on the bill. One issue for the Subcommittee was any FCI structures that may exist on the requested property. Staff subsequently walked the site and identified a small FCI electrical platform at the very corner of the requested property. An updated map was sent to Congressman Southerland's office showing that the electrical platform would not be incorporated in land conveyance request and would remain on FCI land. The second issue the Subcommittee has expressed concern with is that it has been getting some pushback with regard to the legislation from the U.S. Bureau of Prisons' headquarters in

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Washington, D.C as the land has not been discharged as ‘surplus’ property. Subsequently, the County sent a letter to the Bureau of Prisons requesting that it allow the legislative process to proceed without objection.

To date, the legislation has not yet been heard in the Subcommittee on Crime, Terrorism, and Homeland Security.

Recommended County Position, Recommended Change in Federal Statutes:

Continue to work with Patton Boggs to secure the usage of property at the Federal Correctional Institution facility for the purpose of constructing baseball fields.