

Board of County Commissioners
Leon County, Florida

Workshop on 2008 State and Federal Legislative Priorities

October 23, 2007
1:30-3:00 p.m.

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

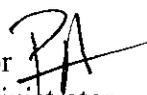
Board of County Commissioners

Workshop Request

Date of Meeting: October 23, 2007

Date Submitted: October 16, 2007

TO: Honorable Chairman and Members of the Board

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

SUBJECT: Workshop on 2008 State and Federal Legislative Priorities

STATEMENT OF ISSUE:

To conduct a workshop with the Board on the state and federal legislative priorities to guide the County's lobbying efforts for the 2008 state legislative session and the second session of the 110th Congress.

BACKGROUND:

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

ANALYSIS:

Upon the close of the state legislative session each year, staff solicits legislative appropriations and policy requests from the County's departments. A follow-up working session is conducted with staff to compile a proposed list of new policy issues and appropriations requests, as well as others sought in previous sessions, for Board consideration. Staff has identified 7 appropriation requests for the 2008 state and federal legislative cycles. (please see Attachment #1). Additionally, staff has identified 15 policy statements for the 2008 state legislative session (please see Attachment #2).

Rather than ask the Board to rank projects in priority order, staff is seeking Board assent to the state and federal substantive and appropriations issues presented here to be included in the County's 2008 State and Federal Legislative Programs. Upon Board approval, staff and contract lobbyists will pursue all of the legislative issues approved by the Board, and in so doing, place appropriate priority on the issues given the opportunities that arise during the legislative process. Notwithstanding this, staff will assign priority to any issue that the Board directs to receive a special level of attention in 2008. Staff would also like to welcome the addition or deletion of issues that the Board deems appropriate for our 2008 legislative efforts.

It is important to note that in addition to the specific Leon County issues identified herein by staff, much of the County's legislative efforts each session are focused on statewide issues in conjunction with the Florida Association of Counties (FAC). FAC will finalize their 2008 legislative program during their legislative conference on November 16, 2007. These issues are often times the most critical issues facing the County during the State legislative session. The Board will have an opportunity to communicate its legislative priorities prior to the 2008 legislative session, when the

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

**PROPOSED LEON COUNTY 2008 STATE & FEDERAL LEGISLATIVE SESSION:
Appropriation Requests**

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

The Board of County Commissioner's practice of retaining professional contractual lobbying services, at both the state and federal levels, is based primarily on increasing the County's chances of obtaining legislative appropriations. Staff works throughout the year to identify County projects for which to submit state and federal appropriations requests. The 2008 appropriation requests identified below include costly capital projects ranging from increased funding for stormwater and transportation needs to facilities projects.

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

In 2005, the Legislature created the Transportation Regional Incentive Program (TRIP) to improve regional transportation facilities through a partnership of local governments, the state, and the private sector. Under TRIP, FDOT may provide up to 50 percent of project costs for regional projects such as Capital Circle Southeast. The County has had success during the past several years in securing SIS and TRIP funding for priority projects, including \$42.6 million for right of way purchase along Capital Circle SW through SIS and \$11.3 million for Capital Circle SE through TRIP. The County will continue to seek state funding under both TRIP and SIS as part of the 2008 legislative cycle, as well as seek federal funding for these Board priorities.

The Board's 2006 top retreat priority to establish a joint dispatch center is included in the 2008 State and Federal appropriation requests. At the Board's 2006 Annual Retreat, the Board directed staff to pursue a joint dispatch center to ensure that the closest available unit is dispatched to an emergency, reducing the response time during a critical emergency in a coordinated manner. The County has been working with the Leon County Sheriff's Office and the City of Tallahassee under a Memorandum of Agreement with future intentions of executing an interlocal agreement. Staff will continue to work with the Public Safety Communications Board as directed by the Board. For several years the Board has put a strong emphasis on reducing the environmental impacts of

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

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

<u>Mahan Drive</u>	\$23,400,000
Dempsey Mayo Rd. to I-10 - Construction \$16.9 million of advanced funding	
<u>Leon County/ City of Tallahassee Joint Dispatch Center</u>	\$15,000,000
Construction of a new facility \$2 million set aside by County	
<u>Woodville Highway</u>	\$500,000
Corridor Study from Gaile Ave. to Commerce Blvd. CRTPA has \$2.1 million for PD&E	
<u>Capital Circle Southeast</u>	\$6,750,000
Woodville Hwy to Crawfordville Rd – Construction Blueprint 2000 will provide the required match	
<u>*Lake Jackson Ecopassage</u>	\$4,500,000
Construction of an ecopassage under U.S. 27 FDOT provided \$440,000 for feasibility study	
<u>Lake Munson</u>	\$4,000,000
In-Lake Restoration and Sediment Removal Sediment removal to improve lake water quality	
<u>*Woodville Sewer</u>	\$30,000,000
Construction of sewer system in Woodville Received \$250,000 from 2007 Florida Legislature	

**Federal Appropriation Requests Only*

PROPOSED LEON COUNTY 2008 STATE LEGISLATIVE SESSION

Policy Requests

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

Like most legislation, much of the County's legislative efforts are incremental and are focused on issues that are built upon throughout several sessions. However, each year staff evaluates the trends and issues affecting all County programs and services to identify potential policy or "substantive" legislative issues. Significant substantive issues that have been identified for County participation range from the protection of charter county home rule to property tax reform; from continued state funding for state aid to libraries grant programs to increased funding for mental health services. The impact of state violators of probation (VOPs) on county jails is an issue that burdens most Florida counties, including Leon County, which FAC intends to address at its annual legislative conference beginning on November 13, 2007.

In addition to the substantive issues identified by the County, staff works daily with FAC and the Florida Association on Intergovernmental Relations (FAIR) to identify developing issues that effect counties during session's quick pace. In many cases, the County joins FAC and FAIR members to advocate for or against initiatives that would substantially impact counties (*Please note: FAIR members are representatives of local governments from across the state.*) Please find, below, a listing of the proposed Leon County 2008 state legislative session policy requests. Each request provides a brief overview of the issue and indicates the specific legislative action recommended:

Section I. Finance and Tax

Property Tax Reform

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

Action: Staff recommends that Leon County support legislation that would provide an equitable tax system for all types of property owners and oppose property tax reform efforts that would significantly restrict the ability of counties to provide high quality services and address critical community needs.

EMS Direct Payment

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

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

Local Business Taxes

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

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

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

2005 Lobbying Gift Ban

Issue: In December 2005, the legislature enacted the "gift ban law." The law prohibits legislators and staff from accepting gifts, including food and drink, from lobbyists and/or organizations that are represented by lobbyists on State matters. On July 10, 2007, the Board approved an agreement between the Tourist Development Council and Florida State University for an economic analysis of the 2005 Florida gift ban law on the local economy. The analysis is expected to be completed by the end of October 2007.

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

Section II. Growth Management, Environment, Transportation & Infrastructure

Growth Management Reform

Issue: The 2005 Legislature passed Senate Bill 360, including significant growth management reforms ranging from school planning to water supply funding. The Board has held several workshops on the implementation of SB 360 and also hosted its first-ever "Smart Growth Summit" on June 7, 2006, to give the community an opportunity to interact firsthand with local and state planning and growth management officials. Tom Pelham, the Secretary of the Department of Community Affairs (DCA), has announced a plan for additional reform legislation in 2008.

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

SIS Funding

Issue: Legislators created the Strategic Intermodal System (SIS) in 2003 to improve the system by which state road projects are prioritized for funding. During the 2004 regular session, a funding mechanism for this system was designated. In 2005, FDOT awarded \$42.6 million in SIS funding for the advanced right of way purchase for the widening of Capital Circle SW. Later that year, FDOT designated Mahan Drive as an SIS Connector. For 2008, staff will continue to work with key decision makers to place priority County transportation projects on the SIS and enhance the potential for state funding of these County projects.

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

TRIP Funding

Issue: In 2005 the Legislature created the Transportation Regional Incentive Program (TRIP) under SB 360 to improve regionally significant facilities in "regional transportation areas." The program, administered by FDOT, provides a 50% match in state funding to local governments and the private sector for critically needed projects that benefit regional travel and commerce. On November 8, 2005 Capital Circle Southeast from Woodville Highway (State Road 61) to Tram Road received \$4.3 million in TRIP funding for right-of-way acquisition. The project received an additional \$7 million for construction in the spring of 2006.

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

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 an a Criminal Justice, Mental Health, and Substance Abuse Reinvestment Advisory Council in order to apply for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant created by the 2007 Legislature. Award notifications will be issued by January 18, 2008.

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

Section IV. Public Safety

County Jail

Issue: Jail Overcrowding

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

Probation

Issue: Jail Overcrowding

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

Issue: Pretrial Release

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

Issue: Juvenile Justice Funding

Action: Monitor funding levels and the potential reduction of local alternative and prevention programs to ensure that no further burden for treatment and prevention of juveniles is not shifted to counties (a \$90 million cost shift to counties for DJJ costs was approved in 2005).

Emergency Medical Services Employees

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

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

Section V. General Government

Libraries

Issue: The State Aid to Libraries allocations to Leon County have declined through the years even though local expenditures for library services have increased. The Operating Grants for State Aid to Libraries have declined from a state match of 7.7% on the local dollar to 5% from the state for every local dollar for the past five years.

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

SB 1088-Conflict Counsels

Issue: During the 2007 legislative session, the Legislature passed SB1088 creating five Criminal Conflict and Civil Regional Counsels to handle cases when the public defender has a conflict of interest. The bill requires counties to provide facilities, security, technology, and communication needs under Article V of the state constitution. As the host of the second judicial circuit, Leon County will be responsible for an estimated 22 additional State employees. The estimated cost to provide the required services for these positions is approximately \$320,000 in FY08 and \$273,000 in recurring expenses.

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

Section VI. Statewide Issues

State Cost-Shift Opposition

Issue: The 2004 Legislature passed a bill shifting \$90 million in state costs for the predisposition of juvenile offenders to counties. This legislation will impact Leon County annually, and resulted in a \$1.4 million expense in 2005 alone. In 2005, the Legislature upheld the cost shift despite counties' strong opposition. Staff estimates this cost shift will reach \$2 million in FY 08.

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

Charter County Preemption

Issue: Charter county authority was challenged during the 2006 legislative session by the Florida League of Cities. On April 11, 2006, the Board adopted Resolution #R06-13 to urge the Florida Legislature to oppose legislation that would limit, restrict, or preempt charter county home rule authority. Florida's charter counties partnered with the Florida Association of Counties (FAC) and provided additional funding for the hiring of contract lobbyists to specifically work on charter county issues in 2006. FAC retained contract lobbyists again in 2007 when a charter preemption bill was filed but the bill was not debated in the committee process. FAC anticipates the hiring of contract lobbyists to address this issue in 2008 and the Board has already set aside \$5,000 in the County's FY 08 budget for the cost of the contract lobbyists to oppose charter county preemption legislation.

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

Protection of State Workforce

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

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

Florida Association of Counties (FAC) Issues

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

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

FEDERAL LEGISLATIVE ISSUES:

The second session of the 110th Congress is expected to begin in early January of 2008. The Board's practice has been to focus the County's federal legislative program on appropriations issues. At the Board's request, the federal appropriation requests have been combined with the state appropriations request (Page #3 of the Analysis Section). Any substantive issues that the County has at the federal level are coordinated through our National Association of Counties (NACO) representation.

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

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

OPTIONS:

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

RECOMMENDATION:

Option #2

Attachments:

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

2008 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Blueprint 2000 Contact: Jim Davis

Phone: 891-1880 Fax: 891-1885 E-Mail: James.Davis@Blueprint2000.org

Project Title: Mahan Drive (Phase II)

1. Project Description:
This capital project will provide for funding to the Department of Transportation (FDOT) for right-of-way acquisition and reconstruction of the portion of Mahan Drive (US 90 East) from Dempsey Mayo Road to Interstate 10. Leon County has advanced funded a portion of the project for FDOT construction with funds to be returned on an agreed payment plan. The reconstruction portion of the project will include expanding the number of lanes, from two to four, on this portion of Mahan Drive as well as provide bike lanes and sidewalks.
2. Purpose of Project and Outcome Expected:
The purpose of the project is to widen and make improvements to Mahan Drive (US 90 East). The project is important to meet the anticipated traffic load for the east side of the County for the next 20 years. In addition, the road serves as a part of the County's evacuation plan in the event of an emergency.
3. Service Provided/Benefit to State:
This is truly a regional roadway serving Jefferson and Leon Counties. In addition, it serves as a main artery for evacuations. Furthermore, it should be considered that this roadway is the gateway to the state capital from Interstate 10, particularly for those traveling from the east.
4. Population Served:
Over 300,000. Mahan Drive serves Jefferson and Leon Counties and is the main artery to and from the City of Tallahassee for evacuations to I-10.
5. Projected Dates for Construction/Operation:
The County has \$6.6 million set aside right-of-way costs and Blueprint 2000 has committed \$10 million to advance fund (16.6 million) to the FDOT in FY 2009. However, it has recently been determined that even the amount of funds in Leon County's budget designated for advance funding will be insufficient. The total project is now anticipated to cost \$40 million.
6. Funding:
Federal Funding Requested (as applicable): **\$23,400,000**
State Funding Requested (as applicable): **\$23,400,000**
Present or Pending Funding Sources (including county): **\$16.6 million of advanced funding through 2009.**

For any questions regarding this form, please contact Ken Morris at 606-5316.

2008 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Administration Contact: Alan Rosenzweig

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

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

1. Project Description:
On December 13, 2006, Leon County, the Leon County Sheriff, and the City of Tallahassee executed a Memorandum of Agreement to pursue a joint dispatch center for the purposes of dispatching all law enforcement, fire, and emergency medical services.
2. Purpose of Project and Outcome Expected:
Currently, the City of Tallahassee dispatches Tallahassee law enforcement officers and firefighters while the Sheriff's Office dispatches Sheriff Deputies and EMS personnel. The joint dispatch center will ensure that the closest available unit is dispatched to an emergency, reducing the response time during a critical emergency in a coordinated manner.
3. Service Provided/Benefit to State:
This project will improve the coordination of both emergency and non emergency calls for efficient deployment of public safety resources. A joint dispatch center is in the best interest of the health and safety of the community.
4. Population Served:
All Leon County and City of Tallahassee residents, transients, and visitors.
5. Projected Dates for Construction/Operation:
The City and County are reviewing potential location sites for the proposed joint dispatch center. Based upon funding, construction could begin in early 2009.
6. Funding:
Federal Funding Requested (as applicable): **\$15,000,000**
State Funding Requested (as applicable): **\$15,000,000**
Present or Pending Funding Sources (including county): **\$2,000,000**

2008 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: CRTPA

Contact: Harry Reed

Phone: 891-8540 Fax: 891-8734 E-Mail: reedh@talgov.com

Project Title: Woodville Highway

1. Project Description:

This project is to widen the existing two-lane segment of Woodville Highway from Gaile Avenue in Leon County to Commerce Boulevard in Wakulla County to a multi-lane urban principal arterial.

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.

The total cost of the PD&E study is approximately \$2.6 million. During the FY 06/07 budget process the Board budgeted \$2.1 million for Woodville Highway. On September 18, 2007, the Board approved a Joint Project Agreement with FDOT to perform a PD&E study for a portion of Woodville Highway from Capital Circle SE to Tram Road. Preceding the PD&E study, a Corridor Study will be conducted to facilitate early public involvement and address the ultimate design for transportation systems as they relate to the future land uses along the corridor.

This project is #2 on the CRTPA TRIP Priority Project List. At the completion of this project it is anticipated that there will be significant improvement in commuter access through southern Leon County and northern Wakulla County, improved freight movement from the coast and improved hurricane evacuation options.

3. Service Provided/Benefit to State:

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

4. Population Served:

All regional coastal residents of neighboring counties will benefit from this project. The current Annual Average Daily Traffic count is 2,300. This road serves as one of two links to the coast via Wakulla County.

5. Projected Dates for Construction/Operation:

Due to the time necessary for the corridor study, project design, and right-of-way acquisition, construction commencement will be determined by FDOT.

6. Funding:

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

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

Present or Pending Funding Sources (including county): **\$2.1 million**

2008 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Blueprint 2000 Contact: Jim Davis

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

Project Title: Capital Circle Southeast

1. Project Description:

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

2. Purpose of Project and Outcome Expected:

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

The total construction cost of the project is \$12 million. Blueprint 2000 has provided \$1.4 million for design. In addition, \$6 million is available for construction. The remaining balance of the project for construction cost is \$6 million which is has been submitted for TRIP funding.

3. Service Provided/Benefit to State:

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

4. Population Served:

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

5. Projected Dates for Construction/Operation:

Construction would commence once funding is available with a duration of 18-24 months. This is contingent on funding of the current \$6 million deficit.

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

2008 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: _____

Department/Division: CRTPA Contact: Jack Kostrzewa

Phone: 891-8600 Fax: 891-8734 E-Mail: kostrej@talgov.com

Project Title: Lake Jackson Ecopassage

1. Project Description:

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

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

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

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

For any questions regarding this form, please contact Ken Morris at 606-5316.

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

2. Purpose of Project and Outcome Expected:

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

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

With the completion of the Feasibility Study Project and the PD&E study, the Ecopassage is eligible for federal funding. The Lake Jackson Ecopassage received \$440,000 from the FDOT for design. The design phase is expected to be completed in 18 months.

3. Service Provided/Benefit to State:

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

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

4. Population Served:

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

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

5. Projected Dates for Construction/Operation:

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

6. Funding:

Federal Funding Requested (as applicable): **\$4,500,000**

State Funding Requested (as applicable):

Present or Pending Funding Sources (including county):

2008 Appropriation Request Form

Please Check: Federal Appropriation: _____ State Appropriation: X

Department/Division: Public Works Contact: Joe Brown

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

Project Title: Lake Munson In-Lake Restoration Project

1. Project Description:

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

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

The lake is currently listed as a Verified Impaired Water by the Florida Department of Environmental Protection, with a target date of 2008 to develop a Total Maximum Daily Load (TMDL) for corrective action. The US Environmental Protection Agency (USEPA) finalized TMDLs for several of the lake tributaries in 2006.

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

Upper Lake Munson Restoration Project

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

2. Purpose of project and outcome expected:

In-Lake Restoration Project

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

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

3. Service Provided/Benefit to State:

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

4. Population Served:

The entire Leon County community (255,000+) will benefit from the improved lake system, particularly with respect to the groundwater impacts from the discharge to the Floridan Aquifer.

5. Projected Dates for Construction/Operation:

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

6. Funding:

Federal Funding Requested (as applicable):

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

Present or Pending Funding Sources (including county):

2008 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: _____

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

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

Project Title: Woodville Sewer Project

1. Project Description:

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

2. Purpose of project and outcome expected:

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

3. Service Provided/Benefit to State:

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

4. Population Served:

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

5. Projected Dates for Construction/Operation:

During the County's FY 07/08 budget workshop, the Board discontinued the funding of non-mandatory capital projects. A number of sewer projects were approved for discontinuation including the Woodville, Centerville Trace, and Harbinwood sewer projects. Due to the time necessary for the studies, project design, and right-of-way acquisition, construction is anticipated to begin in FY 09.

6. Funding:

Federal Funding Requested (as applicable): **\$30 million for construction**

State Funding Requested (as applicable):

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

2008 State Legislative Session
Legislative Proposal

Department / Division: County Administration Contact Person: Ken Morris
Phone: 606-5300 Fax: 606-5301 E-Mail: morrisk@leoncountyfl.gov

Topic: **Property Tax Reform**

Problem/Need:

Unable to reach a compromise on property tax reform legislation, the 2007 Legislature called a June special session to focus solely on reducing and/or restructuring ad valorem taxes. The Legislature closed the special session on property tax reform by adopting three bills:

- HB 1 – Provides statutory language for a rollback and annual ad valorem revenue caps on local governments. In addition, the bill provides implementing language should the voters approve the constitutional amendment contained in SB 4.
- SB 4 – Provides a constitutional amendment on property tax reform.
- HB 5 – Calls for a special election to be held on January 29, 2008, to submit SB 4 to the voters for approval or rejection of a constitutional amendment on property tax reform.

The County adhered to the prescribed rollback contained in HB 1 during the FY 08 budget process. As the County began to prepare for the outcome of the January 29, 2008 constitutional amendment, Chief Judge Francis ruled on September 24, 2007 that the ballot language for the amendment was misleading and confusing thereby ordering the proposed amendment to be removed from the January 29, 2008 ballot. On October 1, 2007, just two days before a special session on the state's budget and no-fault auto insurance, the Governor and legislative leaders announced their plans to call another special session on property tax reform before the end of October. On October 11, the legislative leaders released a joint proclamation calling for a special session on property tax reform beginning on October 12, through October 29, 2007, to consider a new constitutional amendment rather than correcting the ballot language that Judge Francis ruled as misleading.

Taxation and Budget Reform Commission:

The Taxation and Budget Reform Commission is a constitutionally established commission consisting of 25 members appointed by the Governor, Speaker of the House, and Senate President that convenes every 20 years. The Taxation and Budget Reform Commission's responsibilities include the review of state and local governments' ability to tax and adequately fund governmental operations and capital facilities. The Taxation and Budget Reform Commission must submit a report, as well as propose to the Legislature any recommended statutory changes relating to taxation or budgetary laws, 180 days prior to the subsequent general election, or May 7, 2008.

*** For any questions regarding this form, please contact Ken Morris at 606-5316.***

Due to the constitutional charge of the Taxation and Budget Commission and its ability to place a constitutional amendment on the November 4, 2008 general election without legislative approval, the Taxation and Budget Commission is a key stakeholder in the property tax reform efforts.

Recommended County Position, Recommended Change in Florida Statutes:

Staff recommends that Leon County support legislation that would provide an equitable tax system for all types of property owners and oppose property tax reform efforts that would significantly restrict the ability of counties to provide high quality services and address critical community needs.

2008 State Legislative Session
Legislative Proposal

Department / Division: Public Service/EMS

Contact Person: Tom Quillin

Phone: 606-2100

Fax: 606-2101

E-Mail: quillint@leoncountyfl.gov

Topic: EMS Direct Payment

Problem/Need:

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

During the 2007 legislative session, County staff worked closely with FAC and the Florida Association of County Emergency Medical Services (FACEEMS) to provide information to the Legislature regarding the amount of money counties lose due to the lack of direct payment for EMS services. In Leon County, there were 235 cases during the 2006 calendar year in which Leon County EMS did not receive payment for services rendered. The estimated loss for the 235 cases is estimated at \$199,250.

Recommended County Position, Recommended Change in Florida Statutes:

For the 2008 legislative session, County staff will continue to work with FAC and FACEEMS to amend the statutory language necessary to provide direct payment to EMS providers.

2008 State Legislative Session
Legislative Proposal

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

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

Topic: Local Business Taxes

Problem/Need

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

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

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

Recommended County Position, Recommended Change in Florida Statutes:

Based on the Board's direction at the February 27, 2007 workshop on economic development, staff will pursue legislation to amend the current law to authorize all charter counties to increase its local business tax by 50% for economic development purposes.

2008 State Legislative Session
Legislative Proposal

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

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

Topic: 2005 Lobbying Gift Ban

Problem/Need

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

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

On July 10, 2007, the Board approved an agreement between the Leon County Tourist Development Council and Florida State University for an economic analysis of the 2005 Florida gift ban law on the local economy. The study's scope will focus on changes in revenue and employment for tourism related businesses. The study is expected to be provided to the Board by the end of October 2007.

Recommended County Position, Recommended Change in Florida Statutes:

Should the economic analysis of the 2005 Florida gift ban law affirm the complaints of local businesses, staff recommends providing the Leon County Legislative Delegation a copy of the analysis to pursue a legislative remedy to offset the negative impact on the local economy.

2008 State Legislative Session
Legislative Proposal

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

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

Topic: **Growth Management Reform**

Problem/Need

The 2005 Legislature passed significant growth management reform, often referred to as SB 360, ranging from school planning to water supply funding. Due to the magnitude of the legislation, a glitch bill was expected during the 2006 legislative session but the Legislature did not make any changes until 2007. The 2007 Legislature extended local governments' financial feasibility requirements to a 10 or 15 year planning period to meet school and road concurrency. For example, if a local government does not have complete roadway capacity within five years, it must show a 10 or 15 year priority list to address deficiencies. The deadline for each local government to update its capital improvements schedule to demonstrate financial feasibility was also extended by one year to December 1, 2008.

The 2007 Legislature also allowed local governments to create a Transportation Concurrency Backlog Authority if it has identified a transportation backlog. The creation of this Authority would require that at least 25% of the tax increment financing revenues for the area be used to address the backlog.

The Board has held several workshops on the implementation of SB 360 and also hosted its first-ever "Smart Growth Summit" on June 7, 2006, to give the community an opportunity to interact firsthand with local and state planning and growth management officials. Tom Pelham, the Secretary of the Department of Community Affairs (DCA), has announced his intent for additional reform legislation in 2008. Staff has continued to implement the requirements of SB 360 and will monitor any changes in growth management reform.

Recommended County Position, Recommended Change in Florida Statutes:

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

2008 State Legislative Session
Legislative Proposal

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

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

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

Problem/Need

Strategic Intermodal System (SIS)

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

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

Transportation Regional Incentive Program (TRIP)

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

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

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

Recommended County Position, Recommended Change in Florida Statutes:

Support SIS and TRIP funding for qualifying roads in Leon County.

2008 State Legislative Session
Legislative Proposal

Department / Division: Administration

Contact Person: Ken Morris

Phone: 606-5300

Fax: _____

E-Mail :MorrisK@Leoncountyfl.gov

Topic: **Mental Health Services**

Problem/Need

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

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

On September 11, 2007, the Board adopted an Enabling Resolution to establish an a Criminal Justice, Mental Health, and Substance Abuse Reinvestment Advisory Council in order to apply for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant created by the 2007 Legislature. Award notifications will be issued by January 18, 2008.

Recommended County Position, Recommended Change in Florida Statutes:

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

2008 State Legislative Session
Legislative Proposal

Department / Division: Administration

Contact Person: Ken Morris

Phone: 606-5300

Fax: 606-5301

E-Mail: morrisk@leoncountyfl.gov

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

Problem/Need

The Board established jail issues as one of its top priorities each year since 2005 and has continued to discuss concerns on inmate overcrowding. For fiscal year 2006-2007, the Board allocated \$1.4 million for the renovation of the jail annex. The purpose of the funding was to help alleviate the inmate overcrowding in the jail. In addition, \$300,000 was allocated to the Public Safety Coordinating Council (PSCC) in FY 07, and another \$100,000 in FY 08, in order to review and recommend alternative programs to the Board which would assist in decreasing the jail population.

Recommended County Position, Recommended Change in Florida Statutes:

- 1) **VOPs in the County Jail:** An ongoing priority of the Board, the Florida Association of Counties (FAC), and the Florida Sheriff's Association has been to reduce the number of state VOP inmates overcrowding county jails. The Public Safety Coordinating Council (PSCC) monitors this issue on behalf of the Board and makes recommendations to reduce VOP overcrowding by expediting VOP cases. Staff will continue to monitor jail overcrowding issues, including the implementation of the Anti-Murder Act, and support legislation that will reduce the impact of state VOPs in county jails.
- 2) **Expanded Use for House Arrest:** Monitor any changes affecting house arrest and support its expanded allowable use as a condition of probation in misdemeanor and traffic offenses.
- 3) **Pre-trial Release Program:** Monitor any changes to statutes affecting pretrial release and advocate continued support for program. There has been a national push to eliminate the use of public money for pretrial release programs.
- 4) **Juvenile Justice Funding:** Monitor juvenile justice funding levels and the potential reduction of local alternative and prevention programs to ensure that additional burdens for juvenile treatment and prevention is not further shifted to counties (As you may recall, a \$90 million cost shift to counties for predisposition costs of juvenile offenders was approved by the Legislature in 2005).

2008 State Legislative Session
Legislative Proposal

Department / Division: Public Service/EMS

Contact Person: Tom Quillin

Phone: 606-2100

Fax: 606-2101

E-Mail: quillint@leoncountyfl.gov

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

Problem/Need:

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

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

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

Recommended County Position, Recommended Change in Florida Statutes:

In 2006, Leon County brought this to the attention of the Florida Association of Counties. For the 2007 legislative session, FAC adopted this issue as one of its legislative priorities and will continue to pursue a statutory change during the 2008 legislative session to include EMS and other public safety officials/first responders under the exemption for use of deadly force.

2008 State Legislative Session
Legislative Proposal

Department / Division: Public Services Contact Person: Helen Moeller

Phone: 606-2600 Fax: 606-2601 E-Mail: helenm@leoncountyfl.gov

Topic: State Aid to Libraries

Problem/Need

The previously inherent incentive of the State Aid to Libraries program was to in enhance local library services by increasing local expenditures. This resulted in a corresponding increase in state dollars. However, the incentive no longer exists. The State Aid to Libraries allocations to Leon County have declined through the years even though local expenditures for library service have increased. The State Aid to Libraries has declined from a state match of 7.7% on the local dollar to 5% from the state for every local dollar from 2002 – 2007.

Public libraries bridge the digital divide by providing computers, internet connections, online reference service 24/7, costly specialized databases, and books in multiple formats to meet the changing needs of the public. Public libraries also provide after school programs and summer reading programs that supplement the state educational system. In recent years, Leon County has increased its expenditures for the library system by a minimum of three percent. Dollars received from State Aid have decreased from a high in 2002 of \$380,828 to \$295,023 in FY 06/07.

Recommended County Position, Recommended Change in Florida Statutes:

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

2008 State Legislative Session
Legislative Proposal

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

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

Topic: **SB 1088 - Public Defender Conflict Counsels**

Problem/Need

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

As new employees of the state court system, the bill requires counties to provide facilities, security, technology, and communication needs under *Article V* of the state constitution. Leon County, the host of the second judicial circuit for Franklin, Gadsden, Jefferson, Liberty, and Wakulla Counties, will be responsible for an estimated 22 additional employees. The estimated cost to provide these 22 employees with the services outlined in *Article V* is approximately \$320,000 in FY 2008 and \$273,000 in recurring expenses. The state budget does include funding for the creation of the five counsels, but the majority of the funding is dedicated for the salaries of the new state employees.

On September 11, 2007, the County Attorney's Office provided the Board a status report on potential legal challenges to SB 1088. The Board discussed the issue at length and suggested pursuing a legislative remedy for the 2008 legislative session to reverse the unfunded mandate.

On September 20, 2007, the Florida Association of Criminal Defense Attorneys (FACDL) filed a Petition for Writ of Quo Warranto with the Florida Supreme Court, seeking the Court's intervention to prevent the appointment of the five regional counsels. The Supreme Court denied an expedited hearing of the matter but the challenge to the new conflict counsels is still pending. The County Attorney's Office provided a status report to the Board on September 27, 2008, updating the Board on this issue.

Recommended County Position, Recommended Change in Florida Statutes:

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

Attachments:

- 1). September 11, 2007 Status Report on Potential Challenges to Property Tax Reform and SB 1088.
- 2). September 27, 2007 Status Report on Challenges to the Property Tax Reform Legislation and SB 1088.

Board of County Commissioners Agenda Request

Date of Meeting: September 11, 2007

Date Submitted: September 5, 2007

To: Honorable Chairman and Members of the Board

From: Herbert W.A. Thiele, Esq.
County Attorney 

Subject: Acceptance of Status Report Regarding Potential Challenges to Senate Bill 1088 and Update on *Eric M. Hersh vs. Kurt S. Browning, Secretary of State* (Challenge to Property Tax Reform Legislation)

Statement of Issue:

Acceptance of status report on potential challenge to Senate Bill 1088 and update on *Eric M. Hersh vs. Kurt S. Browning, Secretary of State* (Challenge to Property Tax Reform Legislation).

Background:

At the regularly scheduled meeting of the Board of County Commissioner's held on July 10, 2007, the Office of the County Attorney presented the Board with a summary and analysis of potential infirmities to recent legislative enactments emerging from the special session held on June 12, 2007 through June 14, 2007. The legislation consisted of a joint resolution (SJR-4B) of the Florida Legislature proposing several amendments to the Florida Constitution, directly related to property tax reform; HB-1B, imposing substantial changes to the manner by which local governments calculate and impose ad valorem taxes; and SB-1088, establishing five offices of criminal conflict and civil regional counsel, the expenses of which will fall upon Leon County and four other counties in the State of Florida. The Board directed the County Attorney's Office to provide an update regarding SB-1088 at its meeting scheduled for September 11, 2007.

Also, Staff was instructed during the Board meeting of July 10, 2007, to update the Board as to the legal challenges filed in *Eric M. Hersh vs. Kurt S. Browning, as Secretary of State*, Case No. 2007-CA-001862. The case involves a suit brought by the Mayor of Weston, an incorporated municipality in Palm Beach County, in his personal capacity against the Secretary of State, seeking judicial intervention to 1) remove from the January 9, 2008, special election ballot the proposed constitutional amendments concerning the Save Our Homes Protection adopted by the Florida voters by way of Constitutional Amendment in 1992, and 2) expunge from the official record Section 1 through 12 of House Bill 1B that purport to restrict the ability of local governments to set milage rates consistent with Article VII, Section IX, of the Florida Constitution. Alternatively, Mr. Hersh seeks a declaratory judgment declaring both the ballot language and provisions relating to the setting of milage rates as unconstitutional.

Agenda Request: Acceptance of Status Report Regarding Potential Challenges to Senate Bill 1088 and Update on *Eric M. Hersh vs. Kurt S. Browning, Secretary of State* (Challenge to Property Tax Reform Legislation)

September 11, 2007

Page 2

Analysis:

Senate Bill-1088, governing the creation of criminal conflict and civil regional counsel, arguably, is constitutionally infirm for a number of reasons. The State Legislature, through the enactment of said Senate Bill has shifted the financial responsibility for office space, security, communications, technology, etc., to five counties, including Leon County, for "conflict" and "dependency" attorneys previously funded by the State. Revision VII to Article V of the State Constitution clearly specifies that all costs relating to "conflict counsel," those attorneys appointed by the courts in criminal cases where the office of the Public Defender is required under the rules of professional conduct to withdraw from representation of an indigent criminal defendant, shall be borne by the State as part of the State Courts System. The attempt by the Florida Legislature, through the enactment of SB-1088, to abandon its fiscal responsibility in this regard appears to be in direct contradiction to the plain reading of the Constitutional Amendment, and Intent Document drafted by the Constitutional Revision Committee. Further, it could be argued that by making the office of criminal conflict and civil regional counsel, part of the Public Defender's Office, may defeat the purposes for which conflict counsel are originally appointed, thereby laying the foundation for a constitutional "ineffective assistance of counsel" claim by indigent accused defendants under the 6th Amendment to the United States Constitution. Lastly, Federal Equal Protection claims may also be claimed based upon the concept that only five counties will statutorily be required to fund the offices of criminal conflict and civil regional counsel, which will fund the above related expenses of attorney's representing clients from counties outside the host county.

Litigation Update:

On June 26, 2007, a conference call was hosted by Florida Association of Counties General Counsel Virginia DeLegal. Several representatives of county attorney offices throughout the State were invited to participate in a discussion of potential litigation concerning the constitutionality of SB-1088. However, it was apparent at that time that no county, nor the Florida Association of Counties, had either filed suit nor was actively preparing to do same.

In *Eric M. Hersh, etc. vs. Kurt S. Browning, as Secretary of State*, the Petition for Writ of Mandamus filed by Mayor Hersh was transferred by the Supreme Court on July 12, 2007, to the 2nd Judicial Circuit in and for Leon County, Florida, for expedited consideration of that Petition and all pending motions. Chief Judge Francis was assigned the case. On August 7, 2007, the Petitioner, Mayor Hersh filed a Second Amended Complaint seeking declaratory judgment. The Amended Complaint concerns the proposed constitutional amendments recently enacted by the Florida Legislature and argues that the Legislation suffers from constitutional infirmities, including: misleading ballot language; that the proposed constitutional amendments have been improperly scheduled for a vote during a special election in January 2008, in violation of the Florida Constitution which requires the referendum be held at a general election; and that the statutory restrictions on the setting of local milage rates interfere with and directly violate the right and ability of local governments to levy ad valorem taxes up to ten (10) mils under Article VII, Section IX of the Florida Constitution.

Agenda Request: Acceptance of Status Report Regarding Potential Challenges to Senate Bill 1088 and Update on *Eric M. Hersh vs. Kurt S. Browning, Secretary of State* (Challenge to Property Tax Reform Legislation)
September 11, 2007
Page 3

On August 17, 2007, Mayor Hersh moved the Court for entry of Final Summary Judgment on the grounds that there is no genuine issue of material fact and that as a matter of law Mayor Hersh is entitled to judgment in his favor. The Court has yet to rule on the pending Motion for Summary Judgment.

Options:

1. Accept status report regarding potential challenges to SB-1088 enacted by the 2007 Florida Legislature and provide direction to the County Attorney's Office.
2. Do not accept status report regarding potential challenges to SB-1088 enacted by the 2007 Florida Legislature and seek additional information.
3. Board Direction.

Recommendation:

Option #1.

HWAT/PTK/cv

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Honorable Chairman and Members of the Board of County Commissioners

From: Herbert W. A. Thiele, Esq. 
County Attorney

Date: September 27, 2007

Subject: Status Report Regarding Challenges to Property Tax Reform Legislation

The following memorandum is designed to update the Board as to the ongoing challenges to the Property Tax Reform Legislation adopted by the 2007 Florida Legislature. As the Board is aware, the above referenced legislation consisted of a joint resolution (SJR-4B) of the Florida Legislature, proposing several amendments to the Florida Constitution, directly related to property tax reform, and commonly referred to as the Super Homestead Tax Exemption; HB-1B, imposing substantial changes to the manner by which local governments calculate and impose ad valorem taxes; and SB-1088, establishing five offices of Criminal Conflict and Civil Regional Counsel, the expenses of which fall upon Leon County and four other counties in the State of Florida.

Litigation Update:

In *Eric M. Hersh vs. Kurt S. Browning, Secretary of State*, Case No. 2007-CA-001862, the Mayor of the City of Weston filed suit against the Secretary of State, seeking judicial intervention to 1) remove from the January 29, 2008, Special Election Ballot, the proposed Constitutional Amendments (Super Homestead Tax Exemption), and 2) declare unconstitutional Sections 1-12 of HB-1B, which purports to restrict the ability of local governments to set milage rates consistent with Article VII, Section IX of the Florida Constitution.

On August 17, 2007, Mayor Hersh moved the Court for an entry of Final Summary Judgment on the grounds that there was no genuine issue of material fact and that as a matter of law Mayor Hersh believed he was entitled to a judgment in his favor, declaring SJR-4B and HB-1B, unconstitutional. On September 24, 2007, Chief Judge Francis granted the Motion for Summary Judgment declaring the ballot summary for the proposed amendments (SJR-4B) to be misleading and confusing and the Court ordered same not to be placed on the ballot scheduled for January 29, 2008. Further, the Court granted the defendants Cross Motion for Summary Judgment and found that the provisions found in Sections 1-12 of House Bill 1B related to setting milage rates, to be not unconstitutional and therefore declined to enjoin their application and enforcement throughout the State of Florida. The Attorney General, Bill McCollum, has indicated that the State intends to appeal Judge Francis' Order to the First District Court of Appeal. It is not yet known whether the Plaintiff (Mayor Hersh) will cross-appeal that portion of the Court's Order finding HB-1B constitutional.

In regard to SB-1088, the Florida Association of Criminal Defense Lawyers (FACDL) sought the Attorney General's assistance in seeking an original proceeding before the Florida Supreme Court to enjoin the Governor's appointments of five Criminal Conflict and Civil Regional Counsel, arguing that the Legislation was unconstitutional in violation of Article V, Section 18 of the Florida Constitution and the provisions of Chapter 29, Florida Statutes, related to Public Defenders. The Attorney General declined to intervene on behalf of the FACDL. FACDL subsequently filed a Petition for Writ of Quo Warranto with the Florida Supreme Court, seeking that Court's intervention to enjoin the Secretary of State from submitting the certificates of appointment of the five regional counsel to the Senate President; to enjoin the Senate from confirming these appointments; and to enjoin the five appointed individuals from performing any official duties prescribed under Senate Bill 1088. The Supreme Court denied an expedited hearing of the matter and the matter is still pending.

Naturally, we shall continue to keep the Board updated on the property tax reform legislation, and in the meantime should you have any questions, please contact our office at your earliest convenience.

HWAT/PTK/cv

cc: Parwez Alam, County Administrator
Ken Morris, Intergovernmental Affairs Coordinator

2008 State Legislative Session
Legislative Proposal

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

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

Topic: State Cost Shifts to Counties/Revenue Shifts

Problem/Need

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

In 2007 the Legislature created the Public Defender Conflict Councils, requiring counties to bare the burden of providing facilities, security, technology, and communication needs under *Article V* of the state constitution. Leon County, the host of the second judicial circuit for Franklin, Gadsden, Jefferson, Liberty, and Wakulla Counties, will be responsible for an estimated 22 additional employees. The estimated cost to provide these 22 employees with the services outlined in *Article V* is approximately \$320,000 in FY 2008 and \$273,000 in recurring expenses.

Recommended County Position, Recommended Change in Florida Statutes:

Monitor the state funding of all state programs, including Medicaid and growth management legislation, and oppose any state unfunded mandates or cost shifts to counties.

2008 State Legislative Session
Legislative Proposal

Department / Division: County Administration Contact Person: Ken Morris
Phone: 606-5300 Fax: 606-5301 E-Mail: morrisk@leoncountyfl.gov

Topic: **Charter Preemption**

Problem/Need

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

After a contentious battle in 2006 between cities and counties over charter powers, the 2007 Legislature did not take up the issue. The proposed 2007 charter preemption legislation was slightly different than the legislation that had been considered in recent years. New language had been added in 2007 that found counties to be responsible for increasingly trying to divest municipal powers and undermine the will of citizens who elect to incorporate. HB 791 & SB 2080 recognized municipalities as the unit of self government closest to the people it serves and best situated to determine the unique needs of the community.

The Florida League of Cities is expected to file charter preemption legislation for the 2008 legislative session. For the past two years, Florida's charter counties partnered with the Florida Association of Counties (FAC) and provided additional funding for the hiring of contract lobbyists to specifically work on charter county issues. FAC plans on retaining contract lobbyists to address this issue in 2008 and the Board has already set aside \$5,000 in the County's FY 08 budget for the cost of the contract lobbyists to oppose charter county preemption legislation.

Recommended County Position, Recommended Change in Florida Statutes:

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

Attachments:

- 1). April 11, 2006 Board Resolution #R06-13 urging the Florida Legislature to oppose legislation that would limit, restrict, or preempt charter county home rule authority.

RESOLUTION NO. R06-13

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, TO OPPOSE ANY CONSIDERATION OR ACTION OF THE FLORIDA LEGISLATURE THAT WOULD LIMIT, RESTRICT, OR PREEMPT CHARTER COUNTY HOME RULE AUTHORITY.

WHEREAS, the citizens of Leon County approved a Home Rule Charter form of government on November 5, 2002, providing citizens more direct participation in county government; and

WHEREAS, the Florida Constitution and state statutes defer to the provisions of a county charter upon a conflict of county and municipal ordinances; and

WHEREAS, the Board recognizes and acknowledges the importance of public involvement and input in County government; and

WHEREAS, the citizens of Leon County and the Board of County Commissioners of Leon County, Florida (the Board) affirm that governmental decisions affecting local interests should be made locally.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, that:

1. The Board hereby urges the Florida Legislature to oppose legislation that would limit, restrict, or preempt charter county home rule authority.
2. The Board opposes any proposed land use amendment to a county charter that is not approved by a majority vote of the county electors.
3. The Board opposes any legislation that would give municipalities the ability to "opt out" of a charter county's land use provision in which the county's authority had been approved by a majority vote of the county electors.

4. The Board shall lend its support to the Florida Association of Counties so that it may effectively advocate on behalf of charter county home rule authority.

5. This resolution shall become effective immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this 11th day of April, 2006.



ATTESTED BY:

BY: [Signature]
Bob Inzer
Clerk of the Circuit Court

LEON COUNTY, FLORIDA
BY: [Signature] Vice Chairman
William Proctor, Chairman
Board of County Commissioners

APPROVED AS TO FORM:
Leon County Attorney's Office
Leon County, Florida

BY: [Signature]
Herbert W. A. Thiele
County Attorney

2008 State Legislative Session
Legislative Proposal

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

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

Topic: **Protection of State Workforce**

Problem/Need

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

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

Recommended County Position, Recommended Change in Florida Statutes:

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

2008 State Legislative Session
Legislative Proposal

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

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

Topic: Florida Association of Counties

Problem/Need

FAC represents all 67 counties at the Legislature on issues that have broad statewide appeal, such as the opposition of unfunded mandates or cost shifts to counties (such as the \$90 million DJJ cost shift that was passed in 2005), growth management, annexation, revenue-sharing, and water management issues. FAC will finalize their 2008 legislative program during their legislative conference scheduled for November 13 - 16, 2007.

Recommended County Position, Recommended Change in Florida Statutes:

Support the 2008 FAC legislative program unless specific issues conflict with Leon County's interests.