Board of County Commissioners
Workshop Item

Date of Meeting: September 23, 2003
Date Submitted: September 17, 2003

TO: Honorable Chairman and Members of the Board

FROM: Parwez Alam, County Administrator PA
Vincent Long, Assistant County Administrator VSL

SUBJECT: Workshop on 2004 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 2004 state legislative session and the second session of the 108th 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 nine appropriation requests and 17 policy statements covering six legislative areas for the 2004 state legislative session (please see Attachments #1 and #2). Our federal legislative efforts are focused on appropriation requests. Staff has identified seven federal appropriations requests for the second session of the 108th Congress (please see Attachment #3).

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 2004 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 2004. Staff would also like to welcome the addition or deletion of issues that the Board deems appropriate for our 2004 legislative efforts.

It is important to note that in addition to the specific Leon County issues identified 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 2004 Legislative Program during their legislative conference on November 19, 2003. These issues are often times the most critical issues facing the County during the State legislative session.

PROPOSED LEON COUNTY 2004 STATE LEGISLATIVE SESSION:
Appropriation Requests

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

Staff works throughout the year to identify County projects for which to submit state appropriations requests. The appropriation requests identified, below, cover significant County initiatives ranging from increased state funding for stormwater projects to transportation funding. These appropriation requests include targeted grant requests for two significant projects. The first grant funding request is under the State Department of Environmental Protection's (DEP) Water Quality Grant Program. Staff and the administrators from the Northwest Florida Water Management District identified the Lexington Pond flood mitigation project as the best County project to forward for DEP and legislative consideration in 2004. Staff is also preparing to submit two library construction grant applications to the Department of State, for inclusion as part of their FY 05/06 Public Library Construction Grant Program, as will be considered by the 2005 state legislature. Staff will work during 2004 to better position these grant requests for the new Lake Jackson and Apalachee Parkway Branch Libraries.

The other important appropriation request that the County has targeted for state funding is the Capital Circle NW/SW road widening project from I-10 to Tennessee Street. As the Transportation Outreach Program (TOPs) has not been funded and will likely be terminated in 2004, staff has been monitoring alternative methods for transportation funding. Last year the state approved the creation of the Strategic Intermodal System (SIS). This program will likely replace the TOPs program in the future. Although the state did not dedicate specific funding for SIS projects in 2003, it may do so as part of the 2004 legislative process. The County is working with state and local partners to gain approval of the Capital Circle NW/SW project for inclusion in the new SIS, as an "intermodal connector" between I-10 and the regional airport. An application to the FDOT Secretary to add the Airport to the 1st Tier of the SIS will be brought before the MPO for approval later this fall. If approved, this would greatly enhance the County's ability to gain state funding for the improvement of Capital Circle NW/SW.

The following is the proposed Leon County 2004 State appropriation requests:

Capital Circle NW/SW (Intermodal Connector) I-10 to West Tennessee Street Construction	$17,300,000
Lexington Pond Flood Mitigation/Water Quality Retrofit Land acquisition and construction	$3,200,000*
Primary Healthcare Fund Match Program State match for County spending on uninsured healthcare	$1,000,000

Lake Munson

A) In-Lake Restoration — $6,000,000
Sediment removal, habitat restoration, and recreational enhancements

B) South Slough Improvements — $7,500,000
Increase floodplain storage and enhance habitat.

County-wide Floodplain Mapping — $300,000
Update through new GIS technology floodplain mapping and stormwater modeling.

Lake Jackson Branch Library (Public Library Construction Grant) — $500,000**
Construction of new County branch library

Apalachee Parkway Branch Library (Public Library Construction Grant) — $500,000**
Construction of new County branch library

Jackson View Park Development (FDEP Grant) — $200,000***
Development of 42 acre passive park on Lake Jackson's Shores

* DEP Water Quality Program Grant to be submitted, requires 2004 legislative approval
** Department of State Public Library Construction Grant to be submitted, requires 2005 legislative approval.
***DEP Land and Water Conservation Fund Program Grant to be submitted, requires federal funding and state legislative approval.

PROPOSED LEON COUNTY 2004 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 clarifying state law to reflect that Community Redevelopment Area (CRA) expansions or modifications must be approved by county commissions in charter counties to the development of a state Payment in Lieu of Taxes (PILOT) Program; from full state funding for Article V implementation to increased funding for mental health services.

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 2004 State Legislative Session policy requests. Each request indicates the specific legislative action recommended for each specific issue:

Section I. Finance and Tax

Payment in Lieu of Taxes (PILOT)

Issue: The Legislative Committee on Intergovernmental Relations studied the PILOT issue, and it's potential applicability to Florida's communities, during the fall of 2002. The Legislature failed to pass legislation expanding the PILOT program to Leon County during their 2003 regular legislative session.

Action: Seek legislation that creates a new state PILOT program that is beneficial to Leon County.

Section II. Growth Management, Environment, Transportation & Infrastructure

Community Redevelopment Area

Issue: Chapter 163, Part III, Florida Statutes, or the "Community Redevelopment Act" provides that any newly created Community Redevelopment Agency must also be approved by the county commission in a charter county. However, a potential loophole in the Act has been construed by some cities to signify that creation of new CRAs or expansion of existing CRAs do not require county commission approval. During the 2003 regular legislative session, the County staff and lobbyists advocated for legislation to clarify the statutes that any CRA creation, modification, or expansion in a charter county does require approval by the county commission. That legislation was not approved by the 2003 state legislature.

Action: Seek legislation that clarifies the State's Community Redevelopment Act to reflect that any CRA creation, modification, or expansion in a charter county does require approval by the county commission.

Growth Management Reform

Issue: The 2003 Legislature considered significant growth management reforms ranging from reforming the process for city annexations (which failed) to legislation preempting local authority in setting environmental regulations on agricultural land and on state highways (which passed). However, growth management reform issues are normally raised during each session and warrant review and examination.

Action: Continue to monitor growth management issues and advocate county position.

Section III. Health and Social Services

Medicaid Cost-shifts

Issue: Legislation that would have shifted an estimated $26 million in Medicaid nursing home costs and $108 million in transportation costs for Medicaid patients to counties failed at the end of the 2003 sessions. However, it is likely that similar legislation may be reintroduced next year.

Action: Support the continued state funding of the Medicaid program at current levels.

Mental Health

Issue: Improve the shortage of local treatment opportunities and reduce the number of mentally ill in the county jail.

Action: Support the Florida Partners in Crisis legislative efforts in 2004 to address the above issues.

Section IV. Public Safety

County Jail

Issue: Jail Overcrowding

Action: Support the state funding of state prisoners in county jails. Monitor legislation which requires supervision of early release prisoners and of the numbers of juveniles, charged as adults, for their impact on county jail populations.

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 the burden for treatment and prevention of juveniles is not shifted to counties.

Civil Penalties and Radio Communication Systems (800 MHz)

Issue: Legislation that would have redirected $12.50 traffic fine revenues from counties to cities that own their own 800 MHz communication system advanced during the 2003 regular session, but did not pass. These "$12.50" revenues support operating costs for emergency communication systems across the state. Although this type of legislation has been either vetoed by the Governor or voted down by the Legislature or for three years in a row, similar legislation may be filed during 2004.

Action: Monitor this issue and support the continuance of the state's current $12.50 traffic fine revenue distribution methodology.

Section V. General Government and Libraries

Libraries

Issue: State aid for libraries

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

Issue: Internet Access of Obscene Material / Library Filtering Issue

Action: Monitor filtering issue, support filtering by local control and support further study of filter technology and effectiveness.

Purchasing

Issue: State Contracts

Action: Oppose changes to state contracting structure that would negatively affect county savings, purchasing power and efficiency that exist under the current state contracting structure.

Section VI. Statewide Issues

TOPs/SIS Funding

Issue: 2002 Legislation that would have revised the State's existing Transportation Outreach Program (TOPs) failed but did result in zero funding for the County Incentive Grant and Small County Grant programs. Legislators created the new Strategic Intermodal System (SIS) in 2003 to improve the system by which state road projects are prioritized for funding. During the 2004 regular session, it is likely that legislators will move to sunset the TOPs program while potentially redirecting new funding to SIS. 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: Monitor this issue and advocate County position.

Protection of State Workforce

Issue: Recent executive and legislative actions have reduced the number state workers and have placed a significant number of others at risk for reduction. State workers comprise a substantial percentage of Leon County's population, contributing to our community, economy and diversity. Future privatization plans are expected in upcoming legislative sessions.

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

Florida Association of Counties (FAC) Issues

Issue: FAC represents all 67 counties at the Legislature on issues that have broad statewide appeal, such as the full implementation of Revision 7 to Article V (state funding of state court costs). FAC will finalize their 2004 legislative program during their legislative conference in late November, 2003.

Action: Support the 2004 FAC legislative program unless specific issues conflict with the County's issues.

Waste Tire Grant Fund Distribution

Issue: In 2001, the state removed the Florida Department of Environmental Protection (FDEP) Waste Tire Grant program, resulting in an approximate $33,000 loss to Leon County and triggering a raise in the Tire tipping fee from $57 to $100 per ton. The 2002 legislature brought back funding for the Waste Tire Grant Program but carved out 25% of the total Grant for spending on small counties with a population under 100,000. The 2003 legislature maintained the "carve-out" formula funding for this program, with small counties receiving the greatest benefit. This issue will likely be raised again.

Action: Monitor this issue and advocate for continued funding of the Waste Tire Grant Program with county allocations based upon an equitable population based formula.

FEDERAL LEGISLATIVE ISSUES:

Ongoing 108th Congress Leon County Appropriations Requests
(Please Note: For complete information on each, please see Attachment #3)

The first session of the 108th Congress began on January 8th and is targeted to adjourn October 3rd. The Board of County Commissioner's practice has been to focus the County's federal legislative program on appropriations issues. Any substantive issues that we have 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, in order to further improve communication between the Board and their federal lobbying firm, Patton Boggs has been submitting monthly memoranda to update the Board on their federal lobbying activities.

The 2003 federal budget included two significant appropriations for Leon County. As adopted in February, the 2003 federal spending plan included a $1 million appropriation for the widening of Capital Circle NW/SW from I-10 to the Airport and a $375,000 appropriation for equipping the Ft. Braden Branch Library. Throughout the year, Patton Boggs has also worked with staff to obtain $71 million in funding for the widening of Capital Circle NW/SW through the re-enactment of the Transportation Equity Act (TEA-21 or "SAFE-TEA") and on other emerging County issues.

Currently, neither house of Congress has adopted a 2004 budget document. Similar to last year, it is likely that there may be one or a series of Continuing Resolutions (CR), potentially extending the time frame for adopting the 2004 spending plan into the new calendar year. The enactment of a CR would allow the federal government to continue operations over an interim period, while the final 2004 budget is being negotiated between the Congressional chambers.

In addition, it also appears likely that Congress may extend the time period for final approval of the re-enactment of TEA 21 or "SAFE-TEA" beyond the end of the fiscal year (September 30th), perhaps into the beginning of 2004. Staff will continue to monitor the federal budget and SAFE-TEA re-authorization processes and inform the Board of any important congressional action. Upon final passage of the federal budget, staff will prepare a memo to the Board detailing the levels at which each of the following County priority appropriation requests were funded.

The following list details the eight projects for which the County is seeking federal appropriations in 2003:

Blueprint 2000 Project — $71,000,000
Widening of Capital Circle NW/SW from I-10 to U.S. 90
- -Targeted Transportation Equity Act (SAFE-TEA) funding for this significant appropriation request.
- -Targeted funding in a smaller level as part of the 2004 federal appropriation process.
- - County and City contract lobbyists working together with staff on this key County/City funding issue.

Watershed Studies — $500,000
Eastern Sinks, or other County basin

New Primary, Specialty and Mental Health Care Center for Frenchtown — $3,000,000
Relocation/Expansion/Furnishing of the Neighborhood Health Center

Floodplain Mapping — $300,000
New GIS technology for improved floodplain mapping and stormwater modeling

Lake Munson — $6,000,000
In-lake restoration

Lake Munson — $7,500,000
South Munson Slough Improvements

Proposed 108th Congress (second session) Appropriations Requests
(Please Note: For complete information on each, please see Attachment #3)

The second session of the 108th Congress will begin in January of 2004. Staff is recommending that the unfunded projects from the above list (first session of the 108th Congress) be updated and added to the project list for the second session of the 108th Congress, provided that such projects remain a County priority. In addition to these updated requests, staff recommends the addition of the following "new project" request (on Page #10, below):

Lake Jackson and Apalachee Parkway Branch Libraries $1,000,000
Equipment for both branch libraries

Patton Boggs has also worked with the County during 2003, in an ongoing manner, to advocate for the following issues:

- Assist in the identification of potential "Homeland Security" and other federal funding for emergency medical services for the County,
- Assist in the advocation for Army Corps of Engineering funding for the retrofitting of Okeeheepkee, Lexington and Rhoden Cove Ponds,
- Assist in the advocation for Neighborhood Health Center to gain Federally Qualified Health Center (FQHC) status and related funding for Neighborhood Health Center [*Please note:* Patton Boggs also assisted in continuation of FQHC funding for the Bond Community Health Center. Continuation of this funding for Bond was recently approved by the federal Health Services Resource Agency (HRSA)],
- Assist in identification of potential federal funding sources for County housing programs.

In addition approving the County's specific federal appropriation requests, staff also recommends that the Board approve the continuation of these ongoing efforts of our federal lobbying firm.

Please note that the contract with the current County Federal Lobbyist, Patton Boggs, is scheduled to end on December 31, 2003. Staff will bring back an agenda item to the Board in December 2003, for Board consideration on continuation of the contract for these services.

OPTIONS:

1) Approve the 2004 state legislative issues and 108th Congress (2nd session) federal legislative issues as presented.

2) Approve the 2004 state legislative issues and 108th Congress (2nd session) federal legislative issues as amended by the Board.

3) Provide Staff other direction

RECOMMENDATION:

Option #1

Attachments:

#1: 2004 State Legislative Session Appropriation Request Forms and Related Materials
#2: 2004 State Legislative Session Policy Request Forms and Related Materials
#3: September 11, 2003 Memo from Ben Pingree (Relating to 2004 Federal Issues)

PA/VL/BHP/bhp