Board of County Commissioners
Workshop Item

Date of Meeting: September 21, 2004
Date Submitted: September 16, 2004

TO: Honorable Chairman and Members of the Board

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

SUBJECT: Workshop on 2005 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 2005 state legislative session and the first session of the 109th 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 14 appropriation requests and 14 policy statements covering six legislative areas for the 2005 state legislative session (please see Attachments #1 and #2). Our federal legislative efforts are focused on appropriation requests. Staff has identified nine federal appropriations requests for the first session of the 109th 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 2005 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 2005. Staff would also like to welcome the addition or deletion of issues that the Board deems appropriate for our 2005 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 2005 Legislative Program during their legislative conference on December 3, 2004. These issues are often times the most critical issues facing the County during the State legislative session.

PROPOSED LEON COUNTY 2005 STATE 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 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 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, administrators from the Northwest Florida Water Management District and members of the Legislative Delegation have identified the Lake Jackson/Harbinwood flood mitigation project as the best County project to forward for FDEP and legislative consideration in the year ahead. This is primarily due to the advanced stage of the project and the fact that it has a significant amount of other state and local funding at present. As has been done previously for other branch libraries, staff is also preparing to submit a library construction grant application for the Lake Jackson Branch Library 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. *Please note:* staff will also be work during 2005 to prepare a similar construction grant request for the Apalachee Parkway Branch Library as part of the 2006 legislative process.

The other important appropriation request that the County has targeted for state funding is the Capital Circle NW road widening project from I-10 to US 90 (Tennessee Street). The Strategic Intermodal System (SIS) which was created in 2003 and funded in 2004 is the target for state funding of this project. Over the past two years, the County has worked diligently 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. Inclusion of Capital Circle NW/SW as a connector on the SIS was approved in 2004, greatly enhancing the County's ability to gain state funding for this roadway improvement. The County is now preparing to advocate for SIS funding as part of the 2005 legislative cycle.

The other projects listed below, from the Killearn Lakes Sewer Project to the Apalachee Parkway Regional Park, provide staff and the County's contract lobbyists with the opportunity to identify and advocate for the state's funding of Board priorities that match with state objectives, as part of the legislative process. The following is the proposed Leon County 2005 State appropriation requests:

Capital Circle NW/SW (Intermodal Connector) I-10 to West Tennessee Street - Construction	$26,500,000
Killearn Lakes Sewer Retrofit Project Design/Construction	$20,000,000
Harbinwood Estates Sewer Retrofit Project Design/Construction	$8,000,000

Lake Jackson/Harbinwood Flood Mitigation/Water Quality Retrofit Land acquisition and construction	$1,000,000*
Lake Jackson/Lexington Flood Mitigation/Water Quality Retrofit Land acquisition and construction	$3,000,000*
Lake Jackson/Rhoden Cove Flood Mitigation/Water Quality Retrofit Land acquisition and construction	$3,000,000*
Lake Munson	
A) In-Lake Restoration Sediment removal, habitat restoration, and recreational enhancements	$6,000,000
B) South Slough Improvements Increase floodplain storage and enhance habitat.	$7,500,000
Women's Health Center Siting/Plan/Construction	$1,000,000
Frenchtown Primary, Specialty & Mental Health Clinic Siting/Plan/Construction	$3,000,000
Lake Jackson Branch Library (Public Library Construction Grant) Construction of new County branch library	$500,000**
Apalachee Parkway Branch Library (Public Library Construction Grant) Construction of new County branch library	$500,000***
Recycling Innovative Grant (FDEP) Utilize recycled materials to treat landfill gases	$200,000 #
Apalachee Parkway Regional Park (FRDAP) Construction of new County park at landfill site	$200,000 #
Lake Jackson Ecopassage Construction of US 27 ecopassage facility	TBD ##

* DEP Water Quality Program Grant to be submitted, requires 2005 legislative approval
** Department of State Public Library Construction Grant to be submitted, requires 2005 legislative approval.
*** Department of State Public Library Construction Grant to be submitted, requires 2005 legislative approval.
\# FDEP Innovative and FRDAP grants require 2005 state legislative approval.
Funding request level to be established upon completion of feasibility study in January of 2005.

PROPOSED LEON COUNTY 2005 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 protection of the state workforce to the development of a state Payment in Lieu of Taxes (PILOT) Program; from continued state funding for waste tire grant programs 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 2005 State Legislative Session policy requests. Each request indicates the specific legislative action recommended for each specific issue:

Section I. Finance and Tax

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 move impacted Leon County by $1.4 million this year, alone. Additional legislation that would have cut up to $220 million from the state's Medicaid Program, including the effective elimination of the Medically Needy program, were not passed. However, it is likely that similar and/or additional legislation to create unfunded mandates upon or shift costs to counties will be reintroduced again in the 2005 legislative session.

Action: Support the continued state funding of state programs, including the Medicaid program.

Payment in Lieu of Taxes (PILOT)

Issue: In 2002, the Legislative Committee on Intergovernmental Relations studied the PILOT issue and it's potential applicability for Florida. Substantial effort to pass PILOT legislation over the past three years, as led by Leon County, has been met with significant opposition and was unsuccessful. However, this worthy issue remains qualified for additional legislative effort.

Action: Seek legislation creating a new PILOT program beneficial to Leon County.

Section II. Growth Management, Environment, Transportation & Infrastructure

SIS Funding

Issue: 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, a funding mechanism for this system was designated. Significantly, ongoing County efforts to include Capital Circle NW from I-10 to the Airport as a "connector" roadway on the SIS were also successful in 2004. For 2005, 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.

Growth Management Reform

Issue: The 2004 Legislature considered significant growth management reforms ranging from reforming the process for city annexations to clarifying the powers that charter counties have in creating new Community Redevelopment Areas (CRAs). Although both of these efforts failed, numerous growth management issues have been studied in preparation for action in 2005. From a review of the state's growth management policy, to a study to create a Land Use Board of Appeals to an LCIR study on CRAs, it is likely that 2005 will be a busy year for these and other unanticipated growth management issues.

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

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.

Action: Support the Florida Partners in Crisis legislative efforts in 2005 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 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 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 2004).

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

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

Protection of State Workforce

Issue: State workers comprise a substantial percentage of Leon County's population, contributing to our community, economy and diversity. Recent executive and legislative actions have reduced the number state workers and, have placed numerous others at risk. In 2004, across the Board pay raises were zeroed out and healthcare premium increases were considered. Future actions impacting state workers are anticipated.

Action: Monitor this issue and advocate for the continued protection of our 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 2005 legislative program during their legislative conference in December, 2004.

Action: Support the 2005 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 and 2003 legislatures restored 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. In 2004, the legislature approved funding of $2.64 million for counties with population over 100,000. However, this line item was vetoed by the Governor this year, impacting Leon County by approximately $35,000.

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 second session of the 108th Congress began on January 20th and is targeted to adjourn October 8th. 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, Patton Boggs has been submitting monthly memoranda to update the Board on their federal lobbying activities in order to further improve communication between the Board and their federal lobbying firm.

Recent federal appropriation cycles have yielded some positive outcomes for County funding requests. The 2003 federal budget included two significant appropriations for Leon County, including $1 million for the widening of Capital Circle NW/SW from I-10 to the Airport and $375,000 for new equipment at the Ft. Braden Branch Library. Although the 2004 budget did not include funding for County requests, this was attributed by Congressional Delegation staff to their focus in 2004 of approving a significant level of funding for our Capital Circle NW/SW request through a bill re-enacting the Transportation Equity Act (TEA-21 or "SAFE-TEA"). As you may recall, the House approved $22 million this March in their version of TEA-21 legislation currently being considered. Gaining final federal approval of this bill has been the primary focus of staff and Patton Boggs during the past year.

Currently, neither house of Congress has adopted a comprehensive 2005 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 2005 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 2005 budget is being negotiated between the Congressional chambers.

In addition, Congress is still debating further action on two primary options for approving TEA-21 legislation this year. The first option would be to agree to a funding level and pass a six year bill for transportation projects (House and Senate leaders recently closed in on a $299 billion figure but have yet to formally agree upon this amount). Under this option, conferees would meet during the month ahead and move a final version of the bill through both chambers before Congress recesses for the general election. This plan would likely include all or part of the $22 million figure previously approved by the House for Capital Circle NW/SW. The other alternative Congress is presently considering is to pass a short term, one year TEA-21 extension with minimal earmarks for projects such as Capital Circle. This second option would allow congress to return to this issue after the 2004 general elections in order to pass a larger, more "long term" bill. Staff will continue to keep the Board appraised of this key funding request over the next few weeks as additional events unfold.

The following list details the six projects for which the County is seeking federal appropriations during the current legislative cycle:

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 2005 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 Relocation/Expansion/Furnishing of the Neighborhood Health Center	$3,000,000
Lake Munson In-lake restoration	$6,000,000
Lake Munson South Munson Slough Improvements	$7,500,000
Lake Jackson and Apalachee Parkway Branch Libraries Equipment for both branch libraries	$1,000,000

Proposed 109th Congress (first session) Appropriations Requests
(Please Note: For complete information on each, please see Attachment #3)

The first session of the 109th Congress will begin in January of 2005. Staff is recommending that the unfunded projects from the above list (second session of the 108th Congress) be updated and added to the project list for the first session of the 109th Congress, provided that such projects remain a County priority. In addition to these updated requests, staff recommends the following additions to the appropriation request list:

Killearn Lakes Sewer Retrofit Project Design/Construction	$20,000,000
Women's Health Center Construction	$1,000,000
Lake Jackson Ecopassage Funding amount after completion of feasibility study	TBD

Throughout the previous year, Patton Boggs has also worked with the County to identify additional grant sources such as for the County's EMS and Housing programs. Patton Boggs has also assisted in coordinating federal outreach for other county projects such as for the proposed women's health center. In addition to the federal appropriation requests, these activities have been very beneficial to the County from a policy and overall federal funding perspective. 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, 2004. Staff will bring back an agenda item to the Board in December 2004, for Board consideration on continuation of the contract for these services.

OPTIONS:

1) Approve the 2005 state legislative issues and 109th Congress (1st session) federal legislative issues as presented.

2) Approve the 2005 state legislative issues and 109th Congress (1st session) federal legislative issues as amended by the Board.

3) Provide Staff other direction

RECOMMENDATION:

Option #1

Attachments:

#1: 2005 State Legislative Session Appropriation Request Forms and Related Materials
#2: 2005 State Legislative Session Policy Request Forms and Related Materials
#3: September 21, 2004 Memo from Ben Pingree (Relating to 2005 Federal Issues)

PA/VL/BHP/bhp