

Item: 46

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Legislative - Agenda 2006 (Federal)

**DEPARTMENT:** County Manager's Office/County Attorney's Office **DIVISION:** \_\_\_\_\_

Susan Dietrich **Ext.**

**AUTHORIZED BY:** Cynthia A. Coto **Contact:** Sally A. Sherman Ext. 7224

Agenda Date 08/8/06 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

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Reviewed by:

Co Atty: \_\_\_\_\_

DFS: \_\_\_\_\_

Other: \_\_\_\_\_

DCM: \_\_\_\_\_

CM: \_\_\_\_\_

File No CML01

## **Top Federal Legislative Priorities**

### **1. Oppose any bills that preempt local government authority.**

#### **S.2113 - Oppose**

**Title:** A bill to promote the widespread availability of communications services and the integrity of communication facilities, and to encourage investment in communication networks.

**Sponsor:** Sen DeMint, Jim [SC] (introduced 12/15/2005)    Cosponsors (1)

**Latest Major Action:** 12/15/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on Commerce, Science, and Transportation.  
**(Bill Previously Provided)**

#### **SUMMARY AS OF:**

12/15/2005--Introduced.

Digital Age Communications Act of 2005 - Makes it unlawful for any provider of electronic communications service to participate in unfair methods of competition, or unfair or deceptive practices, in or affecting electronic communications networks and services.

Prohibits the Federal Communications Commission (FCC) from denying an application to assign or transfer control of a communications license, permit, or certificate unless it is in violation of the Communications Act of 1934 (the Act) or a specific FCC rule or regulation.

Repeals the Act's application to universal service three years after the enactment of this Act.

Authorizes the Federal-State Joint Board on universal service to periodically recommend to the FCC modifications as to which basic electronic communications services are to be supported by federal universal service support mechanisms. Directs the FCC to: (1) promulgate rules to reform the universal services contribution mechanism and adopt a new mechanism; and (2) revise its current universal service fund system to establish a single universal service fund which shall be the exclusive federal universal service support mechanism.

States that it shall be U.S. policy: (1) to integrate federal, state, and local regulation of electronic communications networks; (2) that such networks and their services be governed by a single, minimally pervasive regulatory regime; (3) to eliminate rate regulation and rate-setting when feasible; and (4) to create incentives to invest in new technologies and to encourage the deployment of advanced electronic communications services.

Authorizes continued state regulation of rates for basic stand-alone local service.

**ALL ACTIONS:**

**12/15/2005:**

Read twice and referred to the Committee on Commerce, Science, and Transportation.

**COSPONSORS(1), ALPHABETICAL** No Florida

**COMMITTEE(S):**

**Committee/Subcommittee:**

Senate Commerce,  
Science, and Transportation

**Activity:**

Referral, In Committee

**2. Cable Franchise Fees**

**R.5252 - Oppose**

**Title:** To promote the deployment of broadband networks and services.

**Sponsor:** Rep Barton, Joe [TX-6] (introduced 5/1/2006) Cosponsors (55)

**Latest Major Action:** 5/17/2006 Placed on the Union Calendar, Calendar No. 259.  
(Attachment A, Page \_\_)

**House Reports:** 109-470

**MAJOR ACTIONS:**

5/1/2006 Introduced/originated in House  
6

5/17/06 Reported by the Committee on Energy and Commerce. H. Rept.  
109-470.

5/17/06 Placed on the Union Calendar, Calendar No. 259.

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**ALL ACTIONS:**

**5/1/2006:**

Referred to the House Committee on Energy and Commerce.

**5/17/2006 6:09pm:**

Reported by the Committee on Energy and Commerce. H. Rept. 109-470.

**5/17/2006 6:09pm:**

Placed on the Union Calendar, Calendar No. 259.

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**COSPONSORS(55), ALPHABETICAL** [followed by Cosponsors  
withdrawn]: (Sort: by date)

Rep Diaz-Balart, Lincoln [FL-21] -  
5/9/2006

Rep Meek, Kendrick B. [FL-17] -  
5/11/2006

Rep Miller, Jeff [FL-1] - 5/11/2006

Rep Stearns, Cliff [FL-6] - 5/1/2006

Rep Wexler, Robert [FL-19] -  
5/11/2006

Rep Diaz-Balart, Mario [FL-25] -  
5/11/2006

Rep Feeney, Tom [FL-24] -  
5/11/2006

Rep Foley, Mark [FL-16] - 5/11/2006

Rep Hastings, Alcee L. [FL-23] -  
5/11/2006

Rep Mack, Connie [FL-14] -  
5/17/2006

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**COMMITTEE(S):****Committee/Subcommittee:**House Energy and  
Commerce**Activity:**

Referral, Reporting

Alcalde & Fay – Update (5-22-06)

In late April, the House Energy and Commerce Committee approved the Communications, Opportunity, Promotion, and Efficiency (COPE) Act of 2006 (HR 5252). This bill would establish a national video franchise for cable operators, which would affect rights to obtain franchise fees.

The Senate Commerce Committee released the draft of its telecom reform bill. The Senate bill preserves local franchise authorities' ability to negotiate rights-of-way management at the local level. The bill also preserves the ability of state or local franchise authorities to access up to 5 percent of gross revenues. However, the National League of Cities, the National Association of Counties, the U.S. Conference of Mayors and the National Association of Telecommunications Officers and Advisors assert, "while the bill ostensibly preserves local franchising authority, the net effect is that it strips local authority...to determine virtually all franchise terms."

As 7/10/06, the Senate Commerce Committee included an amendment that incorporated significant changes to address objections by the cities.

1. Changes included give cities 90 days, rather than 75, to negotiate with new cable entrants before standard-form contract applies.
2. Allow cities to collect fees cities to collect fees already pad by cable operators.
3. Ensure that AT&T's Internet television service is subject to the new franchising requirements.
4. Ensure that localities would not lose existing public access channels and institution networks.

### Federal Funding Request

A.	Pedestrian Overpass (Howell Branch Road & SR 426)	\$6 million
B.	Cross Florida Greenways Trail – Seminole County /Winter Springs	\$2.5 million
C.	State Road 46 – Regional Evacuation Route (SR 415 to US 1)	\$8 million
D.	Upsala Landfill Restoration	\$2 million
	(\$726,000 for PDE – Included in the 2007 House Transportation, Treasury, Housing & Urban Development Appropriations Bill. Congress will take up later this summer. The Senate will address in the fall. (As of 7/10/06.)	
E.	Computer Aided Dispatch System	\$900,000
	Soft earmark- Included in the 2007 House Science, State Justice and Commerce Appropriations Bill. Soft earmarks receive funding from Congress after House and Senate Appropriations Committees Finish negotiations. (As of 7/10/06)	
F.	Replacement of Large Print Library Books	\$100,000
G.	Regional Alternative Water Supply Program	\$2 million
H.	Eastern Connector	\$500 million
I.	Wilson’s Landing (Added to the List per BCC direction on 3/28/06)	\$2.1 million

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### **Congressional Appropriations Process – Alcalde & Fay (5-22-06)**

The House of Representatives has begun its writing and consideration. By week’s end the House anticipates floor consideration of the following appropriations bills; Agriculture; Energy and Water Development; Homeland Security; Interior and Environment; and Military and Veteran Affairs.

The House Appropriations Committee has not taken up the following appropriations bills, in which many projects are currently pending consideration: Transportation, Treasury and Housing and Urban Development; Science, State, Commerce and Justice; and Labor, Health and Human Services, and Education.

The Senate Appropriations Committee has not begun consideration of the appropriations bills. In most cases, final decisions on project funding are made during conference negotiations between the House and Senate Appropriations Committees, after the Senate has completed its work on the bills.

**A. Pedestrian Overpass (Howell Branch Road & State Road 426) - \$6 m**

Request - \$6.0 million under the Transportation and Community System Preservation Program account in Fiscal Year 2007 Transportation Appropriations Bill to construct a pedestrian overpass at the intersection of Howell Branch Road and State Road 426.

The project serves as a regional trail/pedestrian link between Seminole and Orange Counties. It was approved by the MetroPlan Orlando Board as part of the Long Range Plan 2025 in 2004.

Recently, the County has completed the south link of the Cross Seminole Trail, which terminates at the Orange County Line. Orange County will be tying into this section of the trail which will provide a connection to the downtown Orlando Area. The trail serves both recreational and commuter users. In Seminole County it intersects with State Road 426 and Howell Branch Road. Approximately 50,000 cars a day pass through this intersection. The pedestrian overpass will enhance the safety at this intersection. The total cost of the project is \$6.0 million for design, right-of-way and construction. Neither the County nor the State has funds at this time.

**B. Cross FI Greenways Trail – Seminole County/Winter Springs - \$2.5m**

Request - \$2.5 million under the Transportation and Community System Preservation Program account in the Fiscal Year 2007 Transportation appropriations Bill to develop the Cross Florida Greenways Trail in Seminole County/Winter Springs.

The Cross Florida Greenways Trail is part of a planned connection to Orange County and a regional trail system connection to the Seminole County trail system and eventually part of the Florida National Scenic Trail System. The section of the trail in which the County is seeking funds is in Winter Springs between Layer Elementary School and Old Sanford/Oviedo Road.

The project was approved by the MetroPlan Orlando Board as part of the Long Range Plan 2025 in 2004.

The trail serves work, recreational and school access purposes. It also is a "mission link" for a multi-county trail and; therefore, is significant in terms of need and importance. The total cost of the project is \$2.5 million. The County can contribute \$500,000 to this project.

**C. State Road 46 – Regional Evacuation Route (SR 415 to US 1) - \$8m**

Request - \$8 million under the Transportation and Community System Preservation Program account in the Fiscal Year 2007 Transportation Appropriations Bill to develop State Road 46 from State Road 415 to US Highway 1.

The funds sought would cover the project development and environment (PD&E) phase of this project, which expands State Road 46 to 4-lanes from State Road 415 to US Highway 1 in Brevard County. Widening State Road 46 would significantly

improve travel on a regional basis and provide an upgraded hurricane evacuation route.

The total cost of the project is \$120 million. The project in Seminole County was approved and adopted by the MetroPlan Orlando Board in 2004 as part of the Long Range Plan.

The County expects the funds to be provided by the Florida Department of Transportation which would be the agency to implement the project since it is a State roadway and serves traffic on a regional basis. As an evacuation route, it directly serves Orange, Seminole, Volusia and Brevard Counties. Indirectly, it would serve as a primary or secondary route for other coastal Counties along the east coast of Florida.

**D. Upsala Landfill Restoration - \$2m**

Request - \$2 million under the Environmental Programs and Management Account in the Fiscal Year 2007 Interior and Environment Appropriations Bill for the remediation and restoration of the closed Upsala Landfill site. The work would include the environmental study, engineering and construction needed to reclaim the former landfill and adjacent sludge disposal area. The approximate 24 acre former disposal site would be converted into a park that would serve the residents of Seminole County and region.

**E. Computer Aided Dispatch System- \$900,000**

Request - \$900,000 under the Law Enforcement Technology and Interoperability Grants program in the Fiscal Year 2007 Science, State, Justice and Commerce Appropriations Bill for a computer aided dispatch (CAD) system.

Due to the complex nature of the County's first response system and the increase in call activity, improvements to the County's technology are required to effectively and efficiently dispense the proper resources to a variety of scenarios. The current system in place has been outdated due to call volume capacity and requires numerous upgrades to integrate technology such as Automatic Vehicle Locator (AVL) systems, Mobile Data Terminals (MDT), enhanced Mobile Data Collection reporting systems with integration to local hospitals, and an enhanced Incident Command Operational System to handle large scale incidents as well as Hazardous Materials and Weapons of Mass Destruction response.

The system is a jointly used by the County and the Cities of Sanford, Lake Mary, Oviedo, Winter Springs, Longwood, Casselberry and Altamonte Springs. It provides communications for general EMS, Fire, Rescue response, many facets of Special Response and serves as ancillary support to other functions such as Animal Control services.

**F. Replacement of Large Print Library Books- \$100,000**

Request - \$100,000 under the Institute of Museum and Library Services account in the Fiscal Year 2007 Labor-HHS-Education Appropriations Bill to replace large print library books.

Large print books are used more and more by people who are not visually impaired. They are used by the senior citizens whose vision has declined; they are used by stationary bicycle and treadmill users; they are used by speed readers; they are used by students with reading difficulties; they are used by patients recovering from head injury or stroke. This use, on top of the intense traditional use of large print books by the visually impaired, has put a strain on the Large Print Collection of the Seminole County Public Library System.

The current Large Print Collection cannot fulfill the rising demand for this format. In order to make the Large Print Collection a more contemporary and viable collection, \$100,000 would be used to purchase approximately 2,800 large print volumes (average \$37.00 per large print volume as determined by library sources, 2004/2005 U. S. Statistical Abstracts and Bowker Annual Library and Book Trade Almanac.

**G. Regional Alternative Water Supply Program - \$200,000,000**

Request - \$2,000,000 under the State and Tribal Assistance Grant account in the Fiscal Year 2007 Interior & Environment Appropriations Bill to assist in the design of the Yankee Lake Regional Surface Water Facility for augmentation of the reclaimed water system to offset potable ground water demands.

The project will serve the Northwest/Northeast Service Areas of the County as well as provide resources to the Seminole, Lake Mary, and Sanford Tri-Party Re-claim System. St. Johns River Water Management District (SJRWMD) has determined, through studies conducted since the mid-1990's that the withdrawals from the Upper Floridian aquifer may result in adverse environmental impact. This project will help us meet the St. Johns River Water Management District regulatory controls along with possible grant funding from SJRWMD up to a maximum \$12,000,000 for construction

**H. Eastern Connector- \$500m**

Support Congressman Mica' request of \$500,000,000 for the connector that runs from SR 417 south of Sanford to I-95 in Volusia.

- I. Wilson's Landing - \$2.1m (Added to the List per BCC direction on 3/28/06). The cut-off for submittals for funding was March 16, 2006. Will continue to pursue other funding options, i.e. grants.**

## Top Federal Legislative Issues for Monitoring

- A. **Support** – Funding for the FIRE Act and the County’s grant application
- B. **Support** – Funding for the State Homeland Security Grant Program
- C. **Support** – County’s grant application for the Pre-Disaster Mitigation Program
- D. **Support** – County’s grant application for the Hazard Mitigation Grant Program
- E. **Support** – Funding as “universal service contributions” under Section 254 of the Communications Act of 1934
- F. **Support** – Funding of the Community Service Block Grant (CSBG) program
- G. **Support** – County’s grant application for a Health Community Access Program (HCAP) Grant

## Items of Interest

- Seminole County Legislative Day in Washington, DC  
May, 16 & 17, 2006
- Federal Lobbyist – Alcalde & Fay --- Skip Bafalis/Jim Davenport

## ALCALDE &amp; FAY

GOVERNMENT &amp; PUBLIC AFFAIRS CONSULTANTS

July 1, 2006

## MEMORANDUM

TO: Cindy Coto, County Manager  
Sally Sherman, Deputy County Manager  
Don Fisher, Deputy County Manager

FROM: Skip Bafalis  
Jim Davenport

SUBJECT: **Progress Report**

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We are writing to update you on our work in Washington on behalf of Seminole County.

**Congressional Appropriations Process**

The House Appropriations Committee is continuing its work on the fiscal year 2007 Appropriations Bills. Some of the bills have been brought to the House floor for a vote by the Members. The Committee's objective is to have all the bills drafted, considered and brought to the House floor before the August recess.

As you know, Seminole County has received the following: (1) \$726,000 for SR 46 in the House Transportation and Housing and Urban Development Appropriations Bill; and (2) a "soft earmark" for your law enforcement technology in the House Science, State, Justice and Commerce Appropriations Bill.

The Senate Appropriations Committee has just begun its work on the appropriations bills. The Senate hopes to have most of the legislation considered at the committee level by the end of July. We expect the Senate to begin voting on the legislation in the fall.

We anticipate that most of the conference negotiations on the legislation between the House and Senate Appropriations Committees, where final decision-making on funding for your projects takes place, will occur in the fall. Please be assured that we will continue working with the Committees and your Congressional Delegation during this process and will update you accordingly.

**Cable Franchise Fees**

In May, the Senate Commerce Committee released the draft of its telecom reform bill. The Senate bill preserves local franchise authorities' ability to negotiate rights-of-way management at the local level. The bill also preserves

the ability of state or local franchise authorities to assess up to 5 percent of gross revenues.

This week, the Senate Commerce Committee continued its consideration of the bill by including an amendment that included significant changes to the video franchising provisions in hope of addressing objections by cities. Those changes would do the following: (1) give cities 90 days, rather than 75, to negotiate with new cable entrants before the standard-form contract applies; (2) allow cities to collect fees already paid by cable operators; (3) ensure that AT&T's Internet television service is subject to the new franchising requirements; and (4) ensure that localities would not lose existing public access channels and institution networks. As you know, municipalities have been reluctant to accept the bill's video franchising title, which allows Bell companies quick entry into the pay-television marketplace by circumventing the local cable franchise review process.

We will continue to monitor and report to you on legislation impacting your community's ability to impose franchise fees.

Please contact Jim Davenport with any questions.

cc: The Honorable Carlton D. Henley, Chairman  
The Honorable Bob Dallari, Vice Chairman  
The Honorable Brenda Carey  
The Honorable Randal C. Morris  
The Honorable Dick Van Der Weide