

BOARD OF COUNTY COMMISSIONERS LEON COUNTY, FLORIDA

AGENDA

REGULAR MEETING

County Commission Chambers
Leon County Courthouse, Fifth Floor
301 South Monroe Street
Tallahassee, FL 32301

**Tuesday, October 10, 2017
3:00 p.m.**

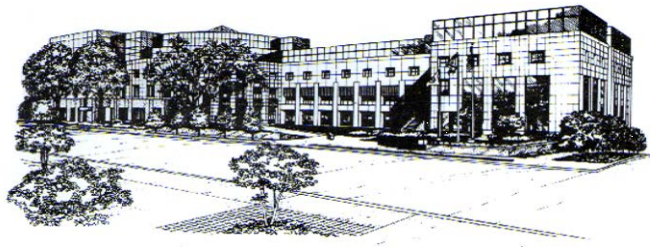
COUNTY COMMISSIONERS

John E. Dailey, Chairman
District 3

Bill Proctor
District 1

Bryan Desloge
District 4

Mary Ann Lindley
At-Large



Jimbo Jackson
District 2

Kristin Dozier
District 5

Nick Maddox, Vice Chair
At-Large

Vincent S. Long
County Administrator

Herbert W. A. Thiele
County Attorney

The Leon County Commission meets the second and fourth Tuesday of each month. Regularly scheduled meetings are held at 3:00 p.m. The meetings are televised on Comcast Channel 16. A tentative schedule of meetings and workshops is attached to this agenda as a "Public Notice." Commission Meeting Agendas are available on the Leon County Home Page at: www.leoncountyfl.gov. Minutes of County Commission meetings may be found at the Clerk of Courts Home Page at www.clerk.leon.fl.us.

Please be advised that if a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at this meeting or hearing, such person will need a record of these proceedings, and for this purpose, such person may need to ensure that verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. The County does not provide or prepare such record (Sec. 286.0105, Florida Statutes).

In accordance with Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact the ADA Coordinator by written or oral request at least 48 hours prior to the proceeding, at 850-606-5011 or Facilities Management at 850-606-5000, or 7-1-1 (TTY and Voice) via Florida Relay Service. Accommodation Request Forms are available on the website www.LeonCountyFL.gov/ADA.

Board of County Commissioners

Leon County, Florida

Agenda

Regular Public Meeting
Tuesday, October 10, 2017, 3:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation by Minister Patrick Medlock, Springhill Road Church of Christ

Pledge of Allegiance by Commissioner Bill Proctor

AWARDS AND PRESENTATIONS

- Presentation on Legislation Banning Texting While Driving
(Representative Emily Slosberg)
- Proclamation Recognizing October 15, 2017 as National Pregnancy and Infant Loss Remembrance Day
(Chairman John Dailey)
- Presentation on CareerSource Capital Region
(Jim McShane)

CONSENT

1. Payment of Bills and Vouchers
(County Administrator/ Office of Financial Stewardship)
2. Proposed Enabling Resolution to Reauthorize the Science Advisory Committee
(County Administrator/ County Administration/ Development Support & Environmental Management)
3. Status Report on the Availability of Federal Property in Leon County for Affordable Housing
(County Administrator/ County Administration)
4. Florida Department of Health County Emergency Medical Services Entitlement Grant
(County Administrator/ Emergency Medical Services)
5. Public Safety Coordinating Council Funding Recommendation and the FY 2017/2018 LIFT Program Services Agreement with Disc Village
(County Administrator/ Office of Intervention & Detention Alternatives)

Status Reports: *(These items are included under Consent.)*

- none

CONSENT ITEMS PULLED FOR DISCUSSION

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

3-minute limit per speaker; there will not be any discussion by the Commission.

GENERAL BUSINESS

6. Community Human Services Partnerships Two-Year Funding Cycle
(County Administrator/ Office of Human Services & Community Partnerships)
7. Bid Award to Allen's Excavation, Inc. for the Hauling of Shaping and Cover Materials from F. A. Ash Borrow Pit to Solid Waste Landfill Site
(County Administrator/ Office of Resource Stewardship/ Public Works)
8. Appointments to the Leon County Citizen Charter Review Committee and Preliminary Committee Bylaws
(County Administrator/ County Administration)

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

9. Second and Final Public Hearing to Amend Section 10-6.819, "Medical Marijuana Dispensing Facilities" to Comply with Senate Bill 8-A and to Rename Section 10-6.819 to "Medical Marijuana Facilities"
(County Administrator/ County Attorney/ Development Support & Environmental Management)
10. First and Only Public Hearing to Consider an Ordinance Amending Chapter 16 to Implement a Regulatory Framework for Communications Facilities and Utility Poles, including the Deployment of Wireless Facilities, in the County's Rights-of-Way
(County Administrator/ County Attorney/ Public Works)
11. First and Only Public Hearing to Consider an Ordinance Amending Chapter 14 (Property Safety and Maintenance) of the Code of Laws of Leon County, Florida
(County Administrator/ County Attorney/ Development Support & Environmental Management)

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers.

COMMENTS/DISCUSSION ITEMS

Items from the County Attorney

Items from the County Administrator

Discussion Items by Commissioners

RECEIPT AND FILE

- Canopy Community Development District Fiscal Year 2018 Meeting Schedule

ADJOURN

*The next Regular Board of County Commissioner's meeting is scheduled for
Tuesday, October 24, 2017 at 3:00 p.m.*

**All lobbyists appearing before the Board must pay a \$25 annual registration fee.
For registration forms and/or additional information, please see the Board Secretary
or visit the County Clerk website at www.leoncountyfl.gov**

2017

Leon County Board of County Commissioners Meeting Schedule

JANUARY

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY

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MARCH

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APRIL

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30						

MAY

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28	29	30	31			

JUNE

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JULY

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30	31					

AUGUST

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27	28	29	30	31		

SEPTEMBER

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OCTOBER

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NOVEMBER

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DECEMBER

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PUBLIC NOTICE
Leon County Board of County Commissioners
2017 Tentative Schedule

All Workshops, Meetings, and Public Hearings are subject to change

All sessions are held in the Commission Chambers, 5th Floor, Leon County Courthouse unless otherwise indicated. Workshops are scheduled as needed on Tuesdays preceding the Commission meeting.

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
January 2017	Monday 2	Offices Closed	NEW YEAR'S DAY Observed
	Tuesday 10	No Meeting	BOARD RECESS
	Monday 16	Offices Closed	MARTIN LUTHER KING, JR. DAY
	Tuesday 17	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Thursday 19	5:30 – 8 p.m.	Leon County Legislative Delegation Meeting County Courthouse, 5 th Floor Commission Chambers
	Tuesday 24	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	First & Only Public Hearing to Consider an Ordinance Amending Chapter 10 of the Leon County Code of Laws to Correct Scrivener's Errors and Inadvertent Inconsistencies
	Thursday 26	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
February 2017	Tuesday 31 Wednesday 1	9:00 a.m.	Community Legislative Dialogue Meeting County Courthouse, 5 th Floor Commission Chambers
	<i>Wednesday 1 & Thursday 2</i>	<i>FAC New Commissioner Workshop</i>	<i>Seminar for Newly Elected Commissioners Alachua County; Gainesville, FL</i>
	<i>Thursday 2 & Friday 3</i>	<i>FAC Advanced County Commissioner Program</i>	<i>Seminar 2 of 3 Alachua County; Gainesville, FL</i>
	Tuesday 7	12:00 – 1:30 p.m.	Workshop on the Impact of the Passage of the Medical Marijuana Amendment
		1:30 – 3:00 p.m.	Workshop on the Tourism & Cultural Grant Funding Efforts
		3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	First and Only Public Hearing to Consider Proposed Ordinance Amending Chapter 2, Article III, Division 3 of the Leon County Code of Laws Regarding the Housing Finance Authority
		6:00 p.m.	First & Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending Official Zoning Map to change Zoning Classification from Office Residential (OR-2) Zoning District to Commercial Pkwy (CP) Zoning District
	Tuesday 21	4:00 p.m. <i>Cancelled</i>	Capital Region Transportation Planning Agency City Commission Chambers

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
February 2017 (cont.)		3:00 – 6:00 p.m.	Blueprint Intergovernmental Agency City Commission Chambers
	<i>Saturday 25 – Wed., March 1</i>	<i>NACO Legislative Conference</i>	<i>Washington, DC</i>
March 2017	Tuesday 7	1:30 – 2:45 p.m.	Joint City/County Workshop on Cycle 2017 Comprehensive Plan Amendments City Commission Chambers
		3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	First & only Public Hearing to consider an Ordinance amending Chapter 5, 6, 10, and 14 to streamline the Nuisance Abatement Process, reorganize & rename Chapter 14, and make consistent with Florida Law
		6:00 p.m.	First of Two Public Hearings to Consider Proposed Amendments to Chapter 10 Article VI, Division 8, Entitled “Supplementary Regulations for Specific Uses” to Add a New Section 10-6.819, Entitled “Medical Marijuana Dispensing Facilities”
	Tuesday 21	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Thursday 23	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
	Tuesday 28	9:00 a.m.	Community Legislative Dialogue Meeting County Courthouse, 5 th Floor Commission Chambers
April 2017	Tuesday 4	1:30 - 3:00 p.m.	Workshop on Establishing the Citizens Charter Review Committee
		3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	Joint City/County Transmittal Hearing on Cycle 2017 Comprehensive Plan Amendments City Commission Chambers
	<i>Wednesday 5</i>	<i>FAC Legislative Day</i>	<i>FSU Turnbull Conference Center Tallahassee, FL</i>
	Tuesday 11	8:30 a.m.	Community Roundtable Discussion on Federal Funding for Nonprofit Human Services County Courthouse, 5 th Floor Commission Chambers
	Tuesday 18	9:00 a.m. – 11:00 a.m. <i>Cancelled</i>	Capital Region Transportation Planning Agency Workshop /Retreat; TBD
	Tuesday 25	9:00 a.m. – 3:00 p.m.	Budget Policy Workshop
	Tuesday 25	3:00 p.m. <i>Cancelled</i>	Regular Meeting County Courthouse, 5th Floor Commission Chambers
	<i>Thursday 27 & Friday 28</i>	<i>FAC Advanced County Commissioner Program</i>	<i>Seminar 3 of 3: Alachua County; Gainesville, FL</i>

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
May 2017	Tuesday 9	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	First & Only Public Hearing on a Proposed Ordinance Amending Official Zoning Map to change Zoning Classification from Office Residential (OR-2) Zoning District to Commercial Pkwy (CP) Zoning
		6:00 p.m.	First of Two Public Hearings on a Development Agreement between Leon County and Edward M. Mitchell, Jr.
		6:00 p.m.	Second and Final Public Hearing to Adopt a Proposed Ordinance Amending Chapter 10 Article VI, to Add a New Section Entitled "Medical Marijuana Dispensing Facilities"
	<i>Monday 15 – Wednesday 17</i>	<i>Greater Tallahassee Chamber of Commerce's Inter-City Trip</i>	<i>Nashville, Tennessee</i>
	Tuesday 16	1:00 p.m. <i>Cancelled</i>	Capital Region Transportation Planning Agency City Commission Chambers
	Tuesday 16 23	9:00 a.m. <i>rescheduled</i>	Community Legislative Dialogue Meeting County Courthouse, 5 th Floor Commission Chambers
	Tuesday 23	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	Joint City/County Transmittal Hearing for 2017 Out-of-Cycle Comprehensive Plan Amendments City Commission Chambers
		6:00 p.m.	Joint City/County Adoption Hearing on Cycle 2017 Comprehensive Plan Amendments City Commission Chambers
		6:00 p.m.	First & Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Single Family Residential (R-1) and Urban Residential (R-4) Zoning Districts to the Light Industrial (M-1) Zoning District (Tallahassee Utilities) City Commission Chambers
	Thursday 25	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
	Monday 29	Offices Closed	MEMORIAL DAY
June 2017	Tuesday 20 13	3:00 – 6:00 p.m.	Blueprint Intergovernmental Agency City Commission Chambers
	Tuesday 20 Monday 19	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Tuesday 13 20	9:00 a.m. – 3:00 p.m.	Budget Workshop
		3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
	Tuesday 20	6:00 p.m.	Second Public Hearing on a Development Agreement between Leon County and Edward M. Mitchell, Jr.

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
June 2017 (cont.)		6:00 p.m.	First & only Public Hearing authorizing the Florida Public Service Commission to regulate private water and wastewater utilities
		6:00 p.m.	First and Only Public Hearing on a Proposed Ordinance to Amend the Canopy Road Protection Requirements
		6:00 p.m.	First and Only Public Hearing to Approve the Ordinance Awarding the Refunding of the Capital Improvement Revenue Bonds, Series 2014
		6:00 p.m.	First and Only Public Hearing to Adopt the Fire Rescue Services Non-ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector
		6:00 p.m.	First and Only Public Hearing to Adopt the Solid Waste Disposal Services Non-ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector
		6:00 p.m.	First and Only Public Hearing to Adopt the Stormwater Non-ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector
	Tuesday 27	No Meeting	NO MEETING
	<i>Tuesday 27 - Friday 30</i>	<i>FAC Annual Conference & Educational Exposition</i>	<i>Palm Beach County West Palm Beach, FL</i>
July 2017	Tuesday 4	Offices Closed	JULY 4TH HOLIDAY OBSERVED
	Tuesday 11	9:00 a.m. – 3:00 p.m. <i>cancelled</i>	FY 18 Budget Workshop (if necessary)
	Tuesday 11	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
		6:00 p.m.	Second & Final Public Hearing on Adoption of One 2017 Out-of-Cycle Comprehensive Plan Amendment
		6:00 p.m.	First and Only Public Hearing to Consider an Ordinance Amending Chapter 10 to Clarify the Parking and Loading Surface Standards Inside the USA
	Thursday 13	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
	<i>Friday 21 - Tuesday 24</i>	<i>NACo Annual Conference</i>	<i>Franklin County Columbus, OH</i>
	Tuesday 25	No Meeting	BOARD RECESS
	<i>Wednesday 26 – Saturday 29</i>	<i>National Urban League Annual Conference</i>	<i>St. Louis, MO</i>
August 2017	Tuesday 8	No Meeting	BOARD RECESS
	<i>Thursday 10 - Sunday 13</i>	<i>Chamber of Commerce Annual Conference</i>	<i>Amelia Island, FL</i>
	Tuesday 22	No Meeting	BOARD RECESS
September 2017	Monday 4	Offices Closed	LABOR DAY HOLIDAY

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
September 2017 (cont.)	Tuesday 12 <i>Rescheduled</i>	12:30 – 3:00 p.m.	Workshop to Address Crime Statistics in Leon County
	Tuesday 19	1:30 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
		5:00 – 9:00 p.m.	Blueprint Intergovernmental Agency Meeting & Public Hearing, City Commission Chambers
	Tuesday 12 Wednesday 20	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
	Tuesday 12 Wednesday 20	6:00 p.m. (Continued to 9/26)	Public Hearing Regarding Tentative Millage Rates and Tentative Budgets for FY 17/18
	Wednesday 20 – Sunday 24	Congressional Black Caucus Annual Legislative Conference	Walter E. Washington Convention Center Washington, D.C.
	Thursday 28 Monday 25	4:00 p.m. 3:00 p.m.	Community Redevelopment Agency Meeting & Public Hearing City Commission Chambers
	Tuesday 26 <i>Rescheduled</i>	1:00 – 3:00 p.m. to October 24	Workshop on the Apalachee Regional Park Master Plan & Associated Landfill Closure
	Tuesday 26	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
	(Continued from 9/20)	6:00 p.m.	First Public Hearing Regarding Tentative Millage Rates and Tentative Budgets for FY 17/18
	Tuesday 12 26	6:00 p.m.	First of two Public Hearings to adopt a proposed Ordinance amending Section 10-6.819, Medical Marijuana Dispensing Facilities
	Tuesday 12 26	6:00 p.m.	First and Only Public Hearing to Consider Repealing Required Bonds in Chapter 7, Article III, Sheriff's Bond; Deputy Sheriffs' Bonds, of the Code of Laws of Leon County
	Tuesday 12 26	6:00 p.m.	First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Neighborhood Commercial (C-1) Zoning District to the Single Family Detached, Attached and Two-Family Residential (R-3) Zoning District (1102 Aeonon Church Road)
	Wednesday 27- Thursday 28 and Friday 29	FAC Policy Committee Conference and CCC Workshop & Leadership Retreat	Embassy Suites Orlando Lake Buena Vista South Kissimmee, FL
October 2017	Tuesday 3 (Rescheduled from Sept. 26)	6:00 p.m.	Second Public Hearing on Adoption of the Final Millage Rates and Budgets for FY 17/18
	Tuesday 10	12:30 – 3:00 p.m.	Workshop to Address Crime Statistics in Leon County
		3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
October 2017 (cont.)	Tuesday 10	6:00 p.m.	Second Public Hearing to adopt a proposed Ordinance amending Section 10-6.819, Medical Marijuana Dispensing Facilities
		6:00 p.m.	First and Only Public Hearing to Consider an Ordinance Amending Chapter 16 to Implement a Regulatory Framework for Communications Facilities and Utility Poles, including the Deployment of Wireless Facilities, in the County's Rights-of-Way
		6:00 p.m.	First and Only Public Hearing to Consider an Ordinance Amending Chapter 14 (Property Safety and Maintenance) of the Code of Laws of Leon County, Florida
	Tuesday 17	9:00 a.m. - 2:30 p.m.	Capital Region Transportation Planning Agency Retreat / Workshop; Tallahassee International Airport
	Thursday 19 – Friday 20	FAC Advanced County Commissioner Program	Alachua County Gainesville, FL
	Sunday 22 - Wednesday 25	ICMA Annual Conference	Bexar County San Antonio, Texas
	Tuesday 24	12:00 – 1:30 p.m.	Workshop on the Apalachee Regional Park Master Plan & Associated Landfill Closure
		1:30 – 3:00 p.m.	Workshop on the 2018 State & Federal Legislative Priorities
		3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
	Thursday 26	10:00 a.m. – 12:00 p.m.	Joint Workshop on the Final Report of the Affordable Housing Workgroup City Hall, 2 nd Floor Commission Chambers
November 2017	Thursday 9	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
	Friday 10	Offices Closed	VETERAN'S DAY OBSERVED
	Tuesday 14	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
	Wednesday 15 – Friday 17	FAC Legislative Conference	Sarasota County Sarasota, FL
	Tuesday 21	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Thursday 23	Offices Closed	THANKSGIVING DAY
	Friday 24	Offices Closed	FRIDAY AFTER THANKSGIVING DAY
	Tuesday 28	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
December 2017	Tuesday 5	3:00 – 6:00 p.m.	Blueprint Intergovernmental Agency City Commission Chambers
	Monday 11	9:00 a.m. – 4:00 p.m.	Board Retreat TBD

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
December 2017 (cont.)	Tuesday 12	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
	Tuesday 19	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Monday 25	Offices Closed	CHRISTMAS DAY OBSERVED
	Tuesday 26	No Meeting	BOARD RECESS
January 2018	Monday 1	Offices Closed	NEW YEAR'S DAY
	Tuesday 9	No Meeting	Board Recess
	Tuesday 23	3:00 p.m.	Regular Meeting
	<i>Thursday 25 – Friday 26</i>	<i>FAC Advanced County Commissioner Program</i>	<i>Alachua County Gainesville, FL</i>

Citizen Committees, Boards, and Authorities

2017 Expirations and Vacancies

www.leoncountyfl.gov/committees/list.asp

VACANCIES

Citizen Charter Review Committee

Board of County Commissioners (14 appointments)

UPCOMING EXPIRATIONS

SEPTEMBER 30, 2017

Community Development Block Grant Citizen's Task Force

Board of County Commissioners (3 appointments)

OCTOBER 31, 2017

Tourist Development Council

Board of County Commissioners (1 appointment)

DECEMBER 31, 2017

Human Services Grants Review Committee

- Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
- Commissioner - At-large II: Maddox, Nick (1 appointment)
- Commissioner - District I: Proctor, Bill (1 appointment)
- Commissioner - District II: Jackson, Jimbo (1 appointment)
- Commissioner - District III: Dailey, John (1 appointment)
- Commissioner - District IV: Desloge, Bryan (1 appointment)
- Commissioner - District V: Dozier, Kristin (1 appointment)

Joint City/County Bicycle Workgroup

Board of County Commissioners (3 appointments)

Library Advisory Board

- Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
- Commissioner - District II: Jackson, Jimbo (1 appointment)
- Commissioner - District III: Dailey, John (1 appointment)
- Commissioner - District IV: Desloge, Bryan (1 appointment)

MARCH 31, 2018

Contractors Licensing and Examination Board

- Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
- Commissioner - District I: Proctor, Bill (1 appointment)
- Commissioner - District III: Dailey, John (1 appointment)

MARCH 31, 2018 (cont.)

Science Advisory Committee

- Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
- Commissioner - At-large II: Maddox, Nick (1 appointment)
- Commissioner - District III: Dailey, John (1 appointment)
- Commissioner - District IV: Desloge, Bryan (1 appointment)

APRIL 30, 2018

Tallahassee Sports Council

- Board of County Commissioners (2 appointments)

TLC Minority, Women, & Small Business Enterprise Citizen Advisory Committee

- Board of County Commissioners (2 appointments)

JUNE 30, 2018

Affordable Housing Advisory Committee

- Board of County Commissioners (1 appointment)

Architectural Review Board

- Board of County Commissioners (3 appointments)

Board of Adjustment and Appeals

- Board of County Commissioners (1 appointment)

CareerSource Capital Region Board

- Board of County Commissioners (3 appointments)

Planning Commission

- Board of County Commissioners (1 appointment)

JULY 31, 2018

Big Bend Health Council, Inc.

- Board of County Commissioners (4 appointments)

Leon County Educational Facilities Authority

- Board of County Commissioners (1 appointment)

Water Resources Committee

- Commissioner - District II: Jackson, Jimbo (1 appointment)
- Commissioner - District IV: Desloge, Bryan (1 appointment)

**Leon County
Board of County Commissioners**

Notes for Agenda Item #1

Leon County Board of County Commissioners

Agenda Item #1

October 10, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Payment of Bills & Vouchers

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Jelani Marks, Management Analyst

Statement of Issue:

This agenda item requests Board approval of the payment of bills and vouchers submitted October 10, 2017 and pre-approval of payment of bills and vouchers for the period of October 11 through October 23, 2017.

Fiscal Impact:

This item has a fiscal impact. All funds authorized for the issuance of these checks have been budgeted.

Staff Recommendation:

Option #1: Approve the payment of bills and vouchers submitted for October 10, 2017, and pre-approve the payment of bills and vouchers for the period of October 11 through October 23, 2017.

Report and Discussion

Background:

The Office of Financial Stewardship/Management and Budget (OMB) reviews the bills and vouchers printout, submitted for approval during the October 10, 2017 meeting, the morning of Monday, October 9, 2017. If for any reason, any of these bills are not recommended for approval, OMB will notify the Board.

Analysis:

Due to the Board not holding a regular meeting until October 24, 2017, it is advisable for the Board to pre-approve payment of the County's bills for October 11 through October 23, 2017, so that vendors and service providers will not experience hardship because of delays in payment. OMB will continue to review the printouts prior to payment and if for any reason questions payment, then payment will be withheld until an inquiry is made and satisfied, or until the next scheduled Board meeting. Copies of the bills/vouchers printout will be available in OMB for review.

Options:

1. Approve the payment of bills and vouchers submitted for October 10, and pre-approve the payment of bills and vouchers for the period of October 11 through October 23, 2017.
2. Do not approve the payment of bills and vouchers submitted for October 10, 2017 and pre-approve the payment of bills and vouchers for the period of October 11 through October 23, 2017.
3. Board direction.

Recommendation:

Option #1.

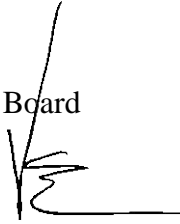
Leon County
Board of County Commissioners
Notes for Agenda Item #2

Leon County Board of County Commissioners

Agenda Item #2

October 10, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Proposed Enabling Resolution to Reauthorize the Science Advisory Committee

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator
Lead Staff/ Project Team:	John Kraynak, Director, Environmental Services Mary Smach, Agenda Coordinator

Statement of Issue:

This agenda item seeks the Board's consideration of the proposed Enabling Resolution to reauthorize the Science Advisory Committee (SAC) as a focus group so as to be consistent with Board Policy No. 03-15 "Board-Appointed Committees", since the SAC was established prior to the adoption of the Policy and currently has no Enabling Resolution. In addition, this item seeks Board approval of the revision of the terms of the current SAC membership.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Adopt the proposed Enabling Resolution to reauthorize the Science Advisory Committee (Attachment #1) and approve the revised terms for the current membership.

Report and Discussion

Background:

At the March 28, 1995 meeting, the Board of County Commissioners (Board) established the Tallahassee-Leon County Area Science Advisory Committee (SAC) to review scientific research on lakes in Leon County. The committee was charged with the following purposes: (1) Review and synthesize scientific findings and conclusions of County sponsored and other published research and determine adequacy and soundness of methods and results from the research; (2) Prepare statements of consensus on conclusions, findings and implications, as appropriate, from this review as to the ecological condition of lakes, groundwater, and environmental resources and on the impact of urbanization on natural features; (3) Recommend direction for future research by County agencies and through the water quality monitoring program; and (4) Suggest policy changes, management strategies and needed programs to better address current environmental problems related to the water quality monitoring program.

Given the scientific nature of the research, candidates chosen had some knowledge of the water quality program and had established credentials in the scientific community. Individuals were identified based on their having a Ph.D. degree in a relevant field, having conducted and published creditable research and serving in a scientific capacity.

During 2016-2017, the SAC:

- conducted a Lake Munson Workshop to build upon the report from the June 2009 Lake Munson Workshop;
- discussed the Zika Virus;
- discussed issues related to surface water quality standards adopted by the Department of Environmental Protection (FDEP);
- discussed the City of Tallahassee sewage spill during Hurricane Hermine;
- reviewed reports of lead in Leon County School drinking water;
- reviewed the Leon County Annual Water Quality Report; and
- began planning updates to the Lake Munson Action Plan.

For 2018, in addition to any environmental-related matters requested by staff for review, the following topics are anticipated to be reviewed and discussed by the SAC to provide input and advice to staff:

- Anticipated legislation regarding springs protection; and
- Updates to the Lake Munson Action Plan.

The SAC was established prior to the adoption of Board Policy No. 03-15, "Board-Appointed Committees" (Attachment #2) which requires an Enabling Resolution for each committee to provide guidelines for its operation and function, establish member eligibility, designate length of term, and term limits. Therefore, no Enabling Resolution currently exists for the SAC.

Analysis:

In order to bring the SAC membership terms consistent with Board Policy No. 03-15, the proposed Enabling Resolution (Attachment #1) has been drafted to reauthorize the SAC as it currently operates and functions and further clarifies that the Committee is a focus group. The proposed Resolution would:

- Formally establish the Science Advisory Committee as a citizen advisory committee functioning as a focus group in accordance with Board Policy;
- Renew the Science Advisory Committee's goals and responsibilities;
- Outline the composition and criteria of the Science Advisory Committee and establish the initial terms of the members and perpetual terms of the members thereafter; and
- Establish term limits in accordance with Board Policy No. 03-15.

The proposed Enabling Resolution maintains the SAC's composition of nine total members; seven appointed individually by each County Commissioner; and two appointed by the City Commission. All members shall be credentialed scientists or individuals who can comprehend qualitative or quantitative information on matters being discussed by the Committee, with a preference towards credentialed scientists.

The current SAC members will continue to serve on the SAC and their current terms will be extended and staggered as follows:

Member	Appointed by	District	Proposed Term Start Date	Proposed Term End Date	Current Term Expiration
Thayumanasamy Somasundaram	Bill Proctor	1	10/1/2017	9/30/2019	3/31/2019
Beverly Kemp	Jimbo Jackson	2	10/1/2017	9/30/2020	3/31/2019
Charles Cook	John Dailey	3	10/1/2017	9/30/2018	3/31/2018
Vincent Salters	Bryan Desloge	4	10/1/2017	9/30/2018	3/31/2018
Lee Marchman	Kristin Dozier	5	10/1/2017	9/30/2020	3/31/2019
Amy Datz	Mary Ann Lindley	At-Large 1	10/1/2017	9/30/2019	3/31/2018
Thomas Lewis	Nick Maddox	At-Large 2	10/1/2017	9/30/2019	3/31/2018
William Landing	City Commission	City	10/1/2017	9/30/2021	3/31/2019
William Leseman	City Commission	City	10/1/2017	9/30/2021	3/31/2019

Options:

1. Adopt the proposed Enabling Resolution to reauthorize the Science Advisory Committee (Attachment #1) and approve the revised terms for the current membership.
2. Do not adopt the proposed Enabling Resolution to reauthorize the Science Advisory Committee and do not revise the terms for the current membership.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Enabling Resolution to Reauthorize the Science Advisory Committee
2. Board Policy No. 03-15

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEON COUNTY, FLORIDA, TO REAUTHORIZE THE CREATION OF
THE SCIENCE ADVISORY COMMITTEE, WHICH IS AN ADVISORY
COMMITTEE AND OPERATES AND FUNCTIONS AS A FOCUS
GROUP.**

WHEREAS, on March 28, 1995, the Board of County Commissioners of Leon County, Florida (the Board) approved the establishment of a Tallahassee-Leon County area science advisory committee, known as the Science Advisory Committee; and

WHEREAS, the stated purpose of the Science Advisory Committee was to:

1. Review and synthesize scientific findings and conclusions of County sponsored and other published research and determine adequacy and soundness of methods and results from the research;
2. Prepare statements of consensus on conclusions, findings, and implications, as appropriate, from this review as to the ecological condition of lakes, groundwater, and environmental resources and on the impact of urbanization on natural features;
3. Recommend direction for future research by County agencies and through the water quality monitoring program; and
4. Suggest policy changes, management strategies and needed programs to better address current environmental problems related to the water quality monitoring program.

WHEREAS, on April 11, 1995, the Board approved the initial appointment of the members of the Science Advisory Committee; and

WHEREAS, on October 24, 1995, the Board approved the bylaws of the Science

Advisory Committee, which dictated the Committee composition and allowed for the addition of two (2) members to be appointed by the City of Tallahassee City Commission; and

WHEREAS, the bylaws of the Science Advisory Committee were amended in 2000; and

WHEREAS, this Resolution shall supersede the bylaws of the Science Advisory Committee; and

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

WHEREAS, the Board wishes to reauthorize the Science Advisory Committee as it currently functions and operates and clarify that it shall function as a Focus Group in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees."

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

1. The Board hereby reauthorizes the Science Advisory Committee, an advisory committee, for the purpose of providing scientific research and feedback to staff on issues impacting the County.

2. The Science Advisory Committee shall function and operate as a Focus Group in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees."

3. The Science Advisory Committee shall be charged with the responsibility of providing collective input to staff on the following:

- a. scientific findings and conclusions of County sponsored and other published research to determine adequacy and soundness of methods and results from the research;
- b. the ecological condition of lakes, groundwater, and environmental resources and on the impact of urbanization on natural features;

- c. direction for future research by County agencies and through the water quality monitoring program;
 - d. recommended policy changes, management strategies and needed programs to better enhance the water quality in our community; and
 - e. various other topics of a scientific nature at the direction of staff.
4. The Science Advisory Committee shall have nine (9) members: seven (7) members to be appointed individually by each Leon County Commissioner; and two (2) members appointed by the City Commission.
5. The members of the Science Advisory Committee shall be scientists or individuals who can comprehend qualitative or quantitative information on matters being discussed by the Committee, with a preference towards credentialed scientists.
6. The current membership of the Science Advisory Committee shall remain the same and said members shall not be required to be reappointed. The current membership shall serve an initial staggered term as described below, and may be reappointed up to three consecutive terms, not including the initial staggered term, regardless of terms previously served.
7. The terms of the members of the Science Advisory Committee shall be for four (4) years with staggered initial terms, beginning on October 1. Initial terms shall be staggered as follows:
- a. The City of Tallahassee shall appoint members with initial terms of four (4) years;
 - b. Districts 5 and 2 shall appoint members with initial terms of three (3) years;
 - c. Districts 1, At-Large 1, and At-Large 2 shall appoint members with initial terms of two (2) years; and
 - d. Districts 3 and 4 shall appoint members with initial terms of one (1) year.
8. After the initial term, all terms will be for four (4) years beginning on October 1,

with no member serving more than three full consecutive four year terms.

9. The members of the Science Advisory Committee shall not be subject to full and public disclosure of financial interests.

10. The bylaws of the Science Advisory Committee adopted February 8, 2000 are repealed and superseded by this Resolution and Rules of Procedure, in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees."

11. The Science Advisory Committee shall be assisted by staff from the Department of Development Support and Environmental Management.

12. The Science Advisory Committee shall be dissolved only upon direction of the Board.

13. This Resolution shall become effective immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon
County, Florida, this ____ day of _____, 2017.

LEON COUNTY, FLORIDA

BY: _____
John E. Dailey, Chairman
Board of County Commissioners

ATTEST:
Gwendolyn Marshall, Clerk of the Court
Leon County, Florida

BY: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

Board of County Commissioners

Leon County, Florida

Policy No. 03-15

Title: Board-Appointed Advisory Committees

Date Adopted: October 11, 2011

Effective Date: October 11, 2011

Reference:

- Florida Statute Chap. 112, Part III, Code of Ethics for Public Officers and Employees
- Florida Statute Chap 119, Public Records
- Florida Statute §286.011, Government-in-the-Sunshine Law
- Leon County Board of County Commissioners (LCBCC) Policy No. 03-05, Code of Ethics

Policy Superseded: Policy No. 00-5, "Volunteer Boards and Committees;" Policy No. 97-9, "Voting Conflicts on Boards, Committees, Councils, and Authorities"; Policy No. 03-15, Board-Appointed Advisory Committees: Establishment, Appointment, Function, Operation, and Dissolution, adopted September 23, 2003; Policy No. 03-15, revised April 12, 2011

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a revised policy entitled "Board-Appointed Advisory Committees" be hereby adopted, to wit:

POLICY

1) Authority, Purpose, Intent, and Scope

- a) Authority: to the extent the Policy delegates any authority, it is so delegated to the County Administrator.
- b) Purpose: to establish a policy and procedure to govern the establishment, appointment, function, operation, and dissolution of all Advisory Committees appointed by the Board.
- c) Intent:
 - i) to efficiently manage the resources available to Leon County by assuring that all Advisory Committees function in the most fiscally responsible manner and, when no longer needed, are dissolved as soon as practicable;
 - ii) to assure that all Advisory Committees appointed by the Board comply with all applicable Government-in-the-Sunshine, Public Records, and Code of Ethics Laws; and
 - iii) to assure that all citizens, who volunteer their time to serve on an Advisory Committee, are protected from unknowingly committing an unlawful act by appointing them only to appropriate committees and providing them with a thorough Orientation.
- d) Scope: governs all Board-appointed Advisory Committees in existence on the Effective Date of the Policy and to any Board-appointed Advisory Committees thereafter established; and shall not apply to any committees or groups appointed by, or under the delegation of, the County Administrator under his/her executive powers, duties, or responsibilities as provided under the Administrative Code of Leon County, as may be amended from time to time, or any other executive power provided under any other statute, ordinance, or rule promulgated by federal, state, or local law.

2) Definitions

The following terms, when used in the Policy in their capitalized form, shall be defined as follows:

- a) Ad Hoc Advisory Committee. an Advisory Committee established for a specific task or objective, and dissolved after the completion of the task or achievement of the objective.
- b) Advisory Committee: any board, Committee, or group previously or hereafter established by the Board to provide input, advice, and/or recommendations regarding matters to be brought before the Board for approval, and which is identified in its Enabling Resolution as either a Decision Making Committee or a Focus Group.
- c) Applicant: a person who is interested in serving on an Advisory Committee and who is required to submit an Application, completed in accordance with the Policy.
- d) Applicant Pool: the group of Applicants eligible for appointment to an Advisory Committee.

- e) Application: the form to be completed and submitted by those persons interested in serving on an Advisory Committee, other than those persons whose public positions are specifically identified by statute, code, rule, policy, or other state, federal, or local law as a required member of the Advisory Committee as identified in such law. For example, the Chairman of the Board of County Commissioners, the Secretary of the Department of Transportation, or the President of Florida State University, provided, however, that persons who are identified in such laws only through their occupation, for example a building contractor or a real estate broker, are not exempt from the application process.
- f) Board: the Leon County Board of County Commissioners.
- g) Commissioner: a member of the Leon County Board of County Commissioners.
- h) County: Leon County, Florida.
- i) Decision Making Committee: an Advisory Committee intended to become part of the Board's decision-making process by virtue of direction in its Enabling Resolution to provide to the Board recommendations regarding matters to be considered for Board approval. A Decision Making Committee conducts its meetings under the direction of a Chairperson, with Staff acting only in a role of facilitator; operates under Bylaws approved by the County Administrator and the County Attorney; considers alternatives and narrows or eliminates options for Board consideration; and conducts a vote to either make its final recommendations to the Board as directed in its Bylaws, or make a final binding decision without returning to the Board, based on authority delegated by statute, code, rule, policy, or other state, federal, or local law - because of the voting requirement strongly discourages the appointment of Stakeholders as members.
- j) Enabling Resolution: the Resolution adopted by the Board, pursuant to the procedures set forth herein, which authorizes the creation of an Advisory Committee and which establishes the Advisory Committee as either a Decision Making Committee or a Focus Group.
- k) Focus Group: an Advisory Committee *not* intended to become part of the Board's decision-making process, but rather is intended, by virtue of its Enabling Resolution, to merely provide a fact-finding source of community input and technical resources for use by Staff in developing a Staff recommendation regarding a matter to be considered for Board approval. A Focus Group conducts its meetings under the direction of Staff, provides collective input to Staff through individual comments of the Focus Group members, has no need for Bylaws, takes no vote as a group and, therefore, appointment of Stakeholders as members does not present a conflict of interest.
- l) Lobbying: influencing or attempting to influence legislative or quasi-judicial action or non-action through oral or written communication, or an attempt to obtain the goodwill of a member of the Board, a member of a quasi-judicial board, a member of an Advisory Committee, a County Commission aide, the County Administrator, the County Attorney, the Assistant County Administrator, a Department/Division Director, the Director of Purchasing, the Chief Building Inspector, or other employees who have binding administrative authority.
- m) Lobbyist: any of the following persons:

- i) any natural person who, for compensation, seeks, or sought during the preceding twelve months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding twelve months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency;
 - ii) any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of Lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity for the purpose of Lobbying on behalf of that other person or governmental entity; or
 - iii) a person who registers with the Clerk of the Court as a Lobbyist pursuant to Section 8 of Board Policy No. 03-05, Code of Ethics.
- n) **Model Bylaws:** the Board-approved Bylaws template which includes the provisions applicable to every Decision Making Committee, and which is used as the basis for drafting the Bylaws to govern the function and operation of a Decision Making Committee.
- o) **Model Rules of Procedure:** the Board-approved Rules of Procedure template which includes the provisions applicable to every Focus Group and which is used as the basis for drafting the Rules of Procedures to govern the function and operation of a Focus Group.
- p) **Orientation:** the Board-approved publication intended to educate Applicants, Board members, and Staff about the applicability of the Government-In-The-Sunshine Laws, Code of Ethics Laws, and Public Records Laws to Advisory Committees.
- q) **Staff:** any individual(s) employed by the Leon County Board of County Commissioners.
- r) **Staff Support Person:** the member of Staff assigned by the County Administrator to assist an Advisory Committee in carrying out the Board direction as set forth in the Enabling Resolution.
- s) **Stakeholder:** an Applicant that would be potentially subject to an unusually high number of voting conflicts under Florida Statute §112.3143, including any of the following persons:
- i) a person to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established;
 - ii) a person with a relative to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established; for purposes of this subsection, the term “relative” includes any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law;
 - iii) a person with a business associate to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established;

- iv) a person who is retained by any principal to whom he or she knows would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established; or
- v) a person who is retained by any parent organization or subsidiary of a corporate principal, other than an agency as defined in Florida Statute §112.312(2), to which he or she knows would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established.
- t) Standing Advisory Committee. an Advisory Committee with a continued existence, and established to carry out its assigned tasks or objectives on an ongoing basis.

3) Establishment of Advisory Committees

Any and all Advisory Committees to be formed on or after the Effective Date of the Policy shall be established only as follows:

- a) Who May Request: an Advisory Committee may be established only upon the request of any member of the Board, the County Administrator, or the County Attorney.
- b) How Request is Made: a request to establish an Advisory Committee shall be made only as directed by the Board.
- c) Enabling Resolution: upon Board approval to establish an Advisory Committee, the County Administrator, or designee, shall, as soon as reasonably possible, coordinate an agenda item for the Board's adoption of the Enabling Resolution establishing the approved Advisory Committee; the Enabling Resolution shall, to the extent possible, be based on the information provided in the Committee Request Form and shall include, but not be limited to, the following:
 - i) identification of the Advisory Committee as either a Decision Making Committee or a Focus Group;
 - ii) a statement of the purpose, function, goals, and responsibilities of the Advisory Committee;
 - iii) the configuration of the membership of the Advisory Committee which, unless precluded by state, federal, or local law, shall be determined by the Board, at its discretion;
 - iv) a statement indicating whether the members of the Advisory Committee shall be subject to full and public disclosure of financial interests;
 - v) identification of the Staff assigned to assist the Advisory Committee, as needed; and
 - vi) identification of a date, or an occurrence of an event, after which the Advisory Committee will dissolve unless otherwise continued with Board approval prior to the date of dissolution.

- d) When Appointments are Made: upon Board adoption of an Enabling Resolution establishing the Committee, the County Administrator, or designee, shall, as soon as reasonably possible, coordinate a Board agenda item for the appointment of the selected Applicants to the approved Advisory Committee in accordance with Section 6) herein.

4) **Responsible Departments**

- a) County Administrator, or designee, shall be responsible for the implementation and compliance of the Policy, and shall be charged with the following responsibilities to be carried out in accordance with the Policy:
 - i) developing and implementing the application process;
 - ii) developing and implementing a process for the selection and appointment of members to Advisory Committees;
 - iii) developing and implementing an Orientation program;
 - iv) assuring that all Advisory Committees are properly functioning and operating; and
 - v) developing and implementing a centralized custodial system for retaining minutes, Rules of Procedure, and Bylaws of Advisory Committees.
- b) County Attorney: shall be responsible for providing any legal guidance necessary for the County Administrator to carry out his/her responsibilities under the Policy.

5) **Application Process for Advisory Committees**

- a) Application Form
 - i) The County Administrator shall develop and maintain an Application in a form to be approved by the Board.
 - ii) The Application shall include, but not be limited to:
 - (1) an inquiry sufficient to establish the Applicant's experience, qualifications, and interests for the purpose of determining for which Advisory Committees the Applicant would be best suited;
 - (2) an inquiry sufficient to establish whether the Applicant would be a potential Stakeholder on any Advisory Committee or would otherwise be subject to an unusually high number of voting conflicts on any Advisory Committee;

- (3) an inquiry sufficient to establish whether the Applicant, if appointed to an Advisory Committee, would be subject to the requirements of the Code of Ethics for “doing business with one’s agency” under Florida Statutes §112.313(3) and Leon County Board of County Commissioners Policy No. 03-05 §6(II) and/or having a “conflicting employment or contractual relationship” under Florida Statutes §112.313(7) and Leon County Board of County Commissioners Policy No. 03-05 §6(VI);
 - (4) an inquiry sufficient to establish whether the Applicant is a Lobbyist;
 - (5) an inquiry sufficient to confirm that the Applicant has completed Orientation, provided on the County’s Citizen Committees website: www.leoncountyfl.gov/bcc/committees/list;
 - (6) an inquiry sufficient to confirm that the Applicant is a resident of Leon County;
 - (7) an inquiry sufficient to confirm that the Applicant, if appointed, will not be serving on more than one Standing Advisory Committee (there shall be no such prohibition against serving on more than one Ad Hoc Advisory Committee); and
 - (8) a notice to the Applicant, set off in bold typeface in a font size slightly larger than the surrounding text, which will inform the Applicant of his/her obligation, if appointed to an Advisory Committee, to follow the applicable Sunshine Laws, Code of Ethics, and Public Records Laws, and of the consequences of violating the applicable law including criminal penalties, civil fines, and the voiding of any subsequent Board action.
- b) Preliminary Application Review
- i) the County Administrator, or designee, shall review all Applications for completeness:
 - (1) confirmation that the Applicant has completed all applicable sections of the Application;
 - (2) confirmation that the Applicant is a resident of Leon County; and
 - (3) confirmation that the Applicant is not currently serving on any other County Advisory Committee
 - ii) in the event that any Application is found to be incomplete, or that any Applicant is found not to be a resident of Leon County, the Applicant shall be notified of such deficiency in the Application.
 - iii) Upon approval of the Applicant, the Application will be maintained, on file, for a period of two years.

6) Appointment of Members to Advisory Committees

- a) Assignment of Staff Support Person: each Advisory Committee shall have a Staff Support Person assigned by either the County Administrator or appropriate agency;
- b) Review of Applications: In the event of a need for appointments of members to an Advisory Committee, the County Administrator, or designee, shall work with the Staff Support Person to collectively review the Applications;
- c) Appointment of Members by Individual Commissioners: upon review of the Applications, in accordance with Section 6)b) herein, the County Administrator, or designee, shall coordinate the selection of Applicants as follows:
 - i) the list of Applicants available and eligible for selection, together with the required Application in accordance with Section 6)b) herein, shall be provided to each Commissioner;
 - ii) the matter shall be placed, as soon as reasonably possible, on the Board's agenda for appointment of each selection to the Advisory Committee; and
 - iii) selections shall be made from the list of Applicants, provided by the County Administrator, or designee, in accordance with the Policy.
- d) Appointment of Members by Full Board: the selection of Applicants by the Full Board, in accordance with Section 6)c) herein, shall be approved by a majority vote of the Board.
 - i) the list of Applicants available and eligible for selection, together with the required Application in accordance with Section 6)b) herein, shall be provided to each Commissioner;
 - ii) the matter shall be placed, as soon as reasonably possible, on the Board's agenda for appointment by the Board of each selection to the Advisory Committee; and
 - iii) selections shall be made from the list of Applicants, provided by the County Administrator or designee in accordance with the Policy.
- e) **Limitation on Reappointment of Members.** a current member of an Advisory Committee may be reappointed at the expiration of their term provided, however, that no member may serve more than three consecutive terms.

7) Orientation

- a) Preliminary Matters: the Staff Support Person shall be responsible to assure that, prior to any participation by a newly appointed Advisory Committee member, the member has completed Orientation.

- b) Availability to Applicants: the County Administrator shall assure that the Orientation publication is made available to all Applicants in an easily accessible manner; available at the County's Citizens Committees website: www.leoncountyfl.gov/bcc/committees/list.
- c) Updates and Revisions to Orientation: the County Administrator, in conjunction with the County Attorney, or their designees, shall be responsible for updating and revising the Orientation, as necessary, to reflect any changes in the applicable laws.

8) Focus Groups - Function and Operation

- a) Model Rules of Procedure: the County Administrator, in conjunction with the County Attorney, or their designees, shall develop and maintain the Rules of Procedure, which shall include an attendance requirement and shall govern the function and operation of a Focus Group.
- b) Staff Responsibility: upon the adoption of an Enabling Resolution identifying the Advisory Committee as a Focus Group, the Staff Support Person shall be responsible for the following:
 - i) drafting Rules of Procedure, to include an attendance requirement, for the Focus Group, using the Model Rules of Procedure as a basis;
 - ii) at or before the first meeting, providing a copy of the Rules of Procedure to all members of the Focus Group and to the Rules of Procedure custodian, as designated by the County Administrator;
 - iii) coordinating and providing Staff assistance, as necessary, for the meetings of the Focus Group;
 - iv) conducting, on behalf of the Board, each meeting of the Focus Group;
 - v) assuring that all members of the Focus Group have completed Orientation before being allowed to participate in any meeting of the Focus Group;
 - vi) assuring that the Focus Group functions and operates in accordance with the Rules of Procedure for the Focus Group and the Enabling Resolution;
 - vii) notifying the County Administrator and/or the County Attorney, as soon as reasonably possible, of any violations of any law applicable to the Focus Group and any other problems encountered with the function and operation of the Focus Group;
 - viii) preparing an agenda item, as necessary, to advise the Board of the collective input from the individual members of the Focus Group with regard to the matter for which the Focus Group was established; and
 - ix) assuring that the Focus Group is dissolved in accordance with Section 10) herein.

9) Decision Making Committees - Function and Operation

- a) Model Bylaws: the County Administrator, or designee, in conjunction with the County Attorney, or their designees, shall develop and maintain Bylaws, which shall govern the function and operation of a Decision Making Committee to include, but not be limited to, attendance requirements and procedures for replacement of members when appropriate.
- b) Staff Responsibility: upon the adoption of an Enabling Resolution identifying the Advisory Committee as a Decision Making Committee, the Staff Support Person shall be responsible for the following:
 - i) using the Model Bylaws as a basis, and assuring that the Bylaws are approved by the Decision Making Committee, the Bylaws for the Decision Making Committee shall not deviate from the provisions of the Model Bylaws unless such deviations are approved by the County Attorney;
 - ii) at or before the first meeting, providing a copy of the Model Bylaws template to all members of the Decision Making Committee;
 - iii) coordinating and providing Staff assistance, as necessary, for the meetings of the Decision Making Committee;
 - iv) assuring that all members of the Decision Making Committee have completed Orientation before being allowed to participate in any meeting of the Decision Making Committee;
 - v) assuring that reasonable notice to the public is given for each meeting of the Decision Making Committee;
 - vi) assuring that, at the first meeting of the Decision Making Committee, a Chairperson is elected and that the Bylaws are reviewed and the Decision Making Committee finalizes language;
 - vii) assuring that a copy of the adopted Bylaws is provided to the Bylaws custodian as designated by the County Administrator;
 - viii) assuring that minutes of each meeting of the Decision Making Committee are prepared as soon as reasonably possible after each meeting, and copies of such minutes are provided to the minutes custodian as designated by the County Administrator;
 - ix) assuring that the Decision Making Committee functions and operates in accordance with the Bylaws for the Decision Making Committee and the Enabling Resolution;
 - x) notifying the County Administrator and the County Attorney as soon as reasonably possible of any violations of any law applicable to the Decision Making Committee and of any other problems encountered with the function and operation of the Decision Making Committee.

- xi) preparing an agenda item, as necessary, to advise the Board of the recommendations of the Decision Making Committee with regard to the matter for which the Decision Making Committee was established; and
- xii) assuring that the Decision Making Committee is dissolved in accordance with Section 10) herein.

10) Dissolution of Advisory Committees

The Advisory Committee shall be dissolved only as follows:

- a) No later than thirty (30) days prior to the date, or the occurrence of the event, after which the Advisory Committee is to be dissolved, as directed in the Enabling Resolution.
 - i) The Staff Support Person shall inform the County Administrator, or designee, by e-mail or written memorandum, as to whether the Advisory Committee will require additional time in which to accomplish the goals and directives set forth in the Enabling Resolution.
 - ii) In the event additional time is required, the Staff Support Person will be responsible for preparing an agenda item seeking the Board's approval for additional time.
 - iii) If additional time is not required, the Staff Support Person shall, upon the completion of the goals and directives in the Enabling Resolution, notify the County Administrator, or designee, by submitting a Committee Dissolution Form, of such completion, and the Advisory Committee shall thereupon be dissolved.
- b) The County Administrator, or designee, shall conduct biennial reviews of the Advisory Committees' purpose and function.
 - i) The County Administrator, or designee, will be responsible for preparing an agenda item that provides the status of focus groups and decision-making committees, created at the sole discretion of the Board, and provide staff recommendations regarding whether the committee's purpose and function continues to support the Board's intended goals.
 - ii) If the Board determines a Committee is no longer needed, the County Administrator, or designee, will submit a Committee Dissolution Form, and the Advisory Committee shall thereupon be dissolved, as soon as practicable.

Revised 10/11/2011

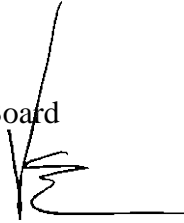
Leon County
Board of County Commissioners
Notes for Agenda Item #3

Leon County Board of County Commissioners

Agenda Item #3

October 10, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Status Report on the Availability of Federal Property in Leon County for Affordable Housing

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator
Lead Staff/ Project Team:	Andy Johnson, Assistant to the County Administrator for Legislative and Strategic Initiatives Nicki Paden, Management Analyst

Statement of Issue:

This item provides a status report on the availability of federally-owned property in Leon County that may be suitable for affordable housing. Because the federal government owns a substantial amount of vacant land within the County, the Board directed staff to prepare an analysis of any opportunities to acquire surplus federal property for future affordable housing development. As described in the remainder of this agenda item, there are no federal lands available for acquisition in Leon County at this time.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report on the availability of federal property in Leon County for affordable housing.

Report and Discussion

Background:

At the June 20, 2017 meeting, the Board directed staff to bring back an agenda item regarding potential opportunities to acquire federal properties in Leon County for affordable housing. This agenda item is essential to the following FY2017-FY2020 Strategic Initiative that the Board approved at the January 24, 2017 meeting:

- Support the Joint County-City Affordable Housing Work Group's efforts to develop a holistic plan for the redevelopment of a multi-family affordable housing project and identification of additional transitional housing opportunities through community partnerships (2016-28).

This particular Strategic Initiative aligns with the Board's Quality of Life Strategic Priorities:

- (Q4) Support and promote access to basic health and welfare services to our community members most in need.
- (Q5) Support strong neighborhoods.

Analysis:

The federal government owns 100 parcels within Leon County totaling nearly 106,000 acres of land; which includes a portion of the Apalachicola National Forest, post offices, federal agency offices, Federal Correctional Institution-Tallahassee, and a U.S. Navy Reserve Station. All properties located within the Urban Service Area, as designated in the Tallahassee Leon County Comprehensive Plan, are either improved or within the boundaries of the Apalachicola National Forest.

The process for disposal of real property by the federal government is provided by the Federal Management Regulation (Title 41, Section 102, Code of Federal Regulations, referred to in the remainder of this item as FMR). The FMR prescribes policies concerning property management and related administrative activities of the General Services Administration (GSA). Section 102-75 of the FMR provides standards and guidelines for all executive branch agencies related to the disposal of excess property. Under the FMA, each agency must survey real property that it owns at least annually and identify any property that is not utilized, underutilized, or not being put to optimum use. Further, each agency must maintain its real property at the absolute minimum consistent with economical and efficient conduct of the affairs of the agency. Upon identifying property that an agency determines to be in excess of its needs, the agency must notify the GSA.

Once a federal agency determines a property is no longer needed to carry out its program responsibilities, the GSA first offers the property to other federal agencies that may have a program need for it. If there is no further need for the property within the federal government, the property is deemed "surplus" and may then be made available as a "public benefit conveyance" to State or local governments and certain non-profit institutions or organizations. However, agencies that own reserved lands, such as those within a National Forest, must generally receive Congressional authorization prior to listing the property as surplus. There are

some exceptions that allow the Secretary of Agriculture to convey National Forest lands out of federal ownership, but each exception includes significant constraints on the Secretary's authority to do so, such as applying only to a specific geographical area or to the disposal of particular administrative properties or facilities. For example, the 1983 Small Tracts Act authorizes the Secretary to dispose of up to 40 acres of National Forest land; however, the land must be valued at no more than \$150,000 and meet certain specified conditions, such as to relieve encroachments due to erroneous surveys or dispose of unneeded federal rights-of-way surrounded by non-federal lands.

Staff has reached out to GSA's southeast regional office to inquire regarding the availability of any federal properties within Leon County for potential acquisition by the County. At this time, there are no federal lands available in Leon County. GSA indicated that there are no federal properties in its inventory within Leon County that are currently designated as surplus by a federal agency or have received authorization from Congress to be listed on the federal registry as surplus. As federal properties become available, GSA's procedure is to notify the appropriate state and local governments of their availability.

With regard to the provision of affordable housing within the community, Leon County continues to actively identify and leverage opportunities and partnerships to provide affordable housing for low to moderate-income citizens through a variety of programs and services including housing rehabilitation, housing replacement, down payment and closing cost assistance, and foreclosure prevention. In addition, Leon County and the City of Tallahassee conducted a joint workshop on affordable housing strategies on October 27, 2016, which included several recommendations to foster greater collaboration and coordination of the community-wide affordable housing efforts. This included recommendations to establish the Tallahassee-Leon County Affordable Housing Workgroup with specific direction and guiding principles to address affordable housing in the community. The Board has scheduled a follow-up joint workshop with the City on October 26, 2017 to receive the Affordable Housing Workgroup's final report. Staff will provide additional information and recommendations to further enhance the County's affordable housing strategies at that time.

Options:

1. Accept the status report on the availability of federal property in Leon County for affordable housing.
2. Do not accept the status report on the availability of federal property in Leon County for affordable housing.
3. Board direction.

Recommendation:

Option #1.

**Leon County
Board of County Commissioners**

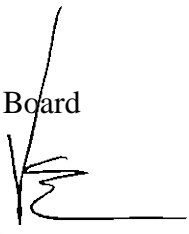
Notes for Agenda Item #4

Leon County Board of County Commissioners

Agenda Item #4

October 10, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Florida Department of Health County Emergency Medical Services Entitlement Grant

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator Chad Abrams, Chief, Emergency Medical Services
Lead Staff/ Project Team:	Timothy Carlson, Financial Compliance Manager

Statement of Issue:

This agenda item seeks Board acceptance of the Florida Department of Health County Emergency Medical Services Entitlement Grant in the amount of \$42,485 to be used solely to improve and expand patient care. The County contemplates this grant funding as a part of the annual budget process for the purchase of ambulance medical equipment. The State grant program requires the Board to annually approve a resolution declaring the funding will be used for these purposes.

Fiscal Impact:

This item is associated with grant funding in the amount of \$42,485 and is contemplated in the FY17/18 budget.

Staff Recommendation:

Option # 1: Accept the Florida Department of Health County Emergency Medical Services Entitlement Grant amount of \$42,485 by approving the Resolution in support of the grant (Attachment #1) and authorize the County Administrator to execute all documents related to the grant project.

Report and Discussion

Background:

Annually, the Department of Health grants funding to each county in Florida to improve and expand the quality of Emergency Medical Services (EMS).

This grant project is essential to the following FY2017-FY2020 Strategic Initiative that the Board approved at the January 24, 2017 meeting:

- Continue to evaluate emergency medical response strategies to improve medical outcomes and survival rates. (2016-26)

This particular Strategic Initiative aligns with the Board's Quality of Life Strategic Priority:

- (Q3) Provide essential public safety infrastructure and services.

Analysis:

On August 1, 2017, the County was notified by the Department of Health that this year's grant funding for the County is \$42,485 (Attachment #2). This grant funding is contemplated in the FY 17/18 budget to be used for the acquisition of EMS equipment. As a part of the acceptance process, the Board must approve a Resolution certifying that the grant funds will be used to improve and expand pre-hospital EMS and will not be used to supplant existing County EMS budget allocations (Attachment #1).

Options:

1. Accept the Florida Department of Health County Emergency Medical Services Entitlement Grant amount of \$42,485 by approving the Resolution in support of the grant (Attachment #1) and authorize the County Administrator to execute all documents related to the grant project.
2. Do not accept the Florida Department of Health County Emergency Medical Services Entitlement Grant.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Resolution
2. Grant Award Notification

RESOLUTION NO. _____

WHEREAS, the Board of County Commissioners of Leon County, Florida proposes to submit a EMS County Grant Application to the Florida Department of Health; and,

WHEREAS, the Board of County Commissioners desires to improve the pre-hospital EMS system in order to better serve the public.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby certifies that the proposed use of EMS grant funds will improve and expand the County pre-hospital EMS system and will not be used to supplant current levels of County expenditures.

Adopted this 10th day of October, 2017

LEON COUNTY, FLORIDA

BY: _____
John E. Dailey, Chairman
Board of County Commissioners

ATTEST:
Gwendolyn Marshall, Clerk of the Court
& Comptroller, Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

Timothy Carlson - FW: New State EMS Funds for Your County

From: "Van Lewen, Alan" <Alan.VanLewen@flhealth.gov>
To: "DaileyJ@leoncountyfl.gov" <DaileyJ@leoncountyfl.gov>
Date: 8/1/2017 9:02 AM
Subject: FW: New State EMS Funds for Your County
CC: Mac Kemp <kempm@leoncountyfl.gov>, "CarlsonT@leoncountyfl.gov" <CarlsonT...

We are pleased to announce that you may now obtain your 2017-2018 emergency medical services (EMS) county grant funds.

401.113 (2) (a), Florida Statutes, requires the state to return to each county 45% of its own yearly deposits into the state EMS Trust Fund.

Section 401.113 (l); Florida Statutes, requires the funds must be used solely to improve and expand pre-hospital EMS. Therefore, replacement, indirect, and recurring costs are not allowable.

The amount for your county this year is **\$42,485.00**

The state EMS website at the following address has the forms and instructions to obtain the funds. At the site scroll down the page to "County Government Grants." <http://www.floridahealth.gov/provider-and-partner-resources/ems-grants/index.html>

Please contact me if you have any questions.

Alan Van Lewen

Health Services and Facilities Consultant
4052 Bald Cypress Way, Mail Bin A-22
Tallahassee, FL 32399-1722
E-Mail: Alan.VanLewen@flhealth.gov Telephone: (850) 558-9550

DOH Mission: To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your email communications may therefore be subject to disclosure (section 668.6076, *Florida Statutes*).

State EMS Grants. Please refer to the following website for information.
<http://www.floridahealth.gov/provider-and-partner-resources/ems-grants/index.html>



Accredited Health Department
Public Health Accreditation Board
First accredited state public health system in the U.S.

**Leon County
Board of County Commissioners**

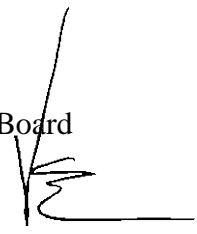
Notes for Agenda Item #5

Leon County Board of County Commissioners

Agenda Item #5

October 10, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Public Safety Coordinating Council Funding Recommendation and the FY 2017/2018 LIFT Program Services Agreement with Disc Village

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator
Lead Staff/ Project Team:	Teresa Broxton, Director, Office of Intervention and Detention Alternatives Kelsey Harper, Coordinator, Office of Intervention and Detention Alternatives

Statement of Issue:

This item seeks Board approval of the Public Safety Coordinating Council's recommendation to use Diversion Program funds to support the Leveraging Interventions for Transformation (LIFT) Program at the Leon County Detention Facility and the approval of the FY 2017/2018 LIFT Program Services Agreement with DISC Village.

Fiscal Impact:

This item has fiscal impact. Funding in the amount of \$100,000 is available in the Diversionary Program account to support initiatives proposed by the Public Safety Coordinating Council to address jail population management.

Staff Recommendation:

- Option #1: Approve the Public Safety Coordinating Council's recommendation to continue support for the Leveraging Interventions for Transformation (LIFT) program.
- Option #2: Approve the FY 2017/2018 Agreement with DISC Village to extend vocational services to inmates at the Leon County Jail through the Leveraging Interventions for Transformation Program at the Leon County Jail (Attachment #1), and authorize the County Administrator to execute.

Report and Discussion

Background:

As a part of the annual budget process, the Board has historically allocated \$100,000 for jail diversion programs. The Board has designated the Public Safety Coordinating Council (PSCC) to make recommendations on the most appropriate ways to invest the funds into programs and initiatives to maximize this objective.

In compliance with Florida Statute 951.26, the PSCC consists of representatives from the following agencies: the State Attorney; the Public Defender; the chief circuit judge; the chief county judge; the chief correctional officer; the sheriff, or a member designated by the sheriff, if the sheriff is not the chief correctional officer; the state probation administrator, the chairperson of the county commissioners, or another county commissioner designee; the director of any county probation or pretrial intervention program; the director of a local substance abuse and state jobs programs and other community groups who work with offenders and victims.

Since the Board's initial directive and funding allocation, the PSCC has recommended a variety of programs and initiatives designed to manage the jail population. The PSCC's recommendation for FY 2018 and requested funding amount is identified in the analysis below.

Analysis:

The PSCC meets regularly to review and discuss trends in the jail population and formulate recommendations to ensure the capacities of the facility are not exceeded. At each meeting, staff provides the Council with data on the number of inmates detained in a pre-trial and post-sentence status. Updates on diversionary programs, such as the Misdemeanor Mental Health docket, Veterans Treatment Court, Felony Drug Court and electronic monitoring services are also provided at each PSCC meeting. Funding recommendations presented for the Board's consideration are based on a formal vote by the PSCC.

At its September 19, 2017 regular meeting, the PSCC voted to recommend the continuation of the Agreement with DISC Village, Inc. for the Leveraging Interventions for Transformations (LIFT) Program and authorized the PSCC Chairman to submit their recommendation to the Board. A copy of the letter from the PSCC to the Board is included as Attachment #2. The LIFT Program provides employability skills training, life skills training, substance abuse education/counseling, and vocational training such as Microsoft Suite and Safe Food Handling Certification to inmates who are nearing the end of their jail sentence to assist them in gaining skill sets that would help them to obtain and sustain lawful employment; thereby reducing the probability of their return to jail. Annual staffing and operating costs of the LIFT Program total \$100,000.

Since its inception in 2010, the LIFT Program has served a total of 258 inmates, both male and female, who were sentenced to the Leon County Jail. Of those participants, 178 (69%) have remained arrest free since their release (Attachment #3). Upon the advice of the County Attorney, the original Agreement was revised in 2016 to include specific language related to audits, records and record retention.

Options:

1. Approve the Public Safety Coordinating Council's recommendation to continue support for the Leveraging Interventions for Transformation program.
2. Approve the FY 2017/2018 Agreement with DISC Village to extend vocational services through the Leveraging Interventions for Transformation at the Leon County Jail, and authorize the County Administrator to execute. (Attachment #1).
3. Do not approve the Public Safety Coordinating Council's recommendation to continue support for the Leveraging Interventions for Transformation program.
4. Do not approve the FY 2017/2018 Agreement with DISC Village to extend vocational services through the Leveraging Interventions for Transformation at the Leon County Jail, and do not authorize the County Administrator to execute.
5. Board direction.

Recommendation:

Option #1.

Attachments:

1. FY 2017 / 2018 Agreement with DISC Village, Inc. for the LIFT Program
2. September 19, 2017 Letter to the Board from the Public Safety Coordinating Council
3. DISC Village, LIFT Program, Third Quarterly Report FY 16/17

LIFT PROGRAM SERVICES AGREEMENT

THIS LIFT PROGRAM SERVICES AGREEMENT dated this 1st day of October, 2017, is by and between Leon County, Florida, a political subdivision of the State of Florida (hereinafter the "County") and DISC Village, Inc. (hereinafter the "Contractor"), collectively, the "Parties".

RECITALS

WHEREAS, the County allocated funding from its General Revenue Fund for the provision of jail population reduction and jail diversion program; and

WHEREAS, the County desires to engage the Contractor to render, certain vocational training and case management services to reduce recidivism in the Leon County Jail as defined in Attachment A; and

WHEREAS, the County has determined that it would be better to contract for these services than to hire the necessary personnel to satisfy the needs of the County in this regard.

NOW, THEREFORE, for and in consideration of the foregoing recitals, the sum of ten dollars (\$10.00) each to the other paid, the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which being acknowledged, the Parties do hereby covenant and agree as follows:

1. EFFECTIVE DATE AND TERM

This Agreement shall be effective commencing October 1, 2017 and shall continue until September 30, 2018.

2. SCOPE OF SERVICES

- a. Scope of Services: The Contractor shall perform, in a satisfactory and proper manner, as determined by the County, the work and services to be undertaken as set forth in Attachment A: Statement of Work, which is attached hereto and incorporated herein as if fully set forth below.
- b. Collaboration Plan: During the Term of this Agreement, the Contractor shall carry out the goals, objectives, and tasks as outlined in Attachment B: Outlined Tasks, which is attached hereto and incorporated herein as if fully set forth below. The specific types of collaborative approaches and partnerships that the Contractor will use to enhance its effectiveness in delivering quality services are set forth in Attachment B and shall include, but shall not be limited to, the following:
 1. Training
 2. Job Placement
 3. Job Counseling
 4. Job Retention

- c. Program Evaluation: The Contractor's program evaluation requirements under this Agreement shall be reported to the County by way of a Report of Clients Served, in a form approved by the County. The Contractor shall participate in training opportunities to enhance its ability to report program outcome measures.

3. WORK

Any work to be performed under this Agreement shall be upon the request of the County Administrator or his representative, which request shall set forth the commencing date of such work and the time within which such work shall be completed. The Contractor shall perform LIFE Program services to the best of its ability, dealing honestly and fairly, accounting for all funds, and using necessary skill, care and diligence in any transaction related thereto. No amount of work is provided for or guaranteed to the Contractor under this Agreement.

4. CONTRACT SUM

The method and amount of compensation to the Contractor for the satisfactory performance of the Scope of Services under this Agreement is specified in Attachment C: Method and Amount of Compensation, which is attached hereto and incorporated herein as fully set forth below. Funds paid to the Contractor by the County shall be referred to herein as "Grant Funds". Upon expiration or other termination of this Agreement, the Contractor shall transfer to the County any remaining Grant Funds not properly expended or obligated at the time of expiration and any accounts receivable attributable to the use of Grant Funds.

5. PAYMENTS AND PAYMENT DISPUTE RESOLUTION

Payment shall be made and payment disputes resolved in accordance with section 14, Leon County Policy 96-1, as amended. The performance of the County of any of its obligations under this Agreement shall be subject to and contingent upon the availability of funds lawfully expendable for the purposes of this Agreement.

6. TERMINATION

The County may terminate this Agreement without cause, by giving the Contractor not less than thirty (30) days prior written notice of its intent to terminate. Either Party may terminate this Agreement for cause by giving the other Party hereto not less than thirty (30) days prior written notice of its intent to terminate. The County shall not be required to give Contractor such thirty (30) days written notice if, in the opinion of the County, the Contractor is unable to perform its obligations hereunder, or if in the opinion of the County, the services being provided are not satisfactory. In such case, the County may immediately terminate the Agreement by providing a notice of termination to the Contractor.

Termination of this Agreement for any reason under this Section will not affect (i) any liabilities or obligations of either Party arising before such termination or as a result of the events causing such termination, or (ii) any damages or other remedies to which a Party may be entitled to under this Agreement, at law or in equity, arising out of a breach of this Agreement.

7. INDEMNIFICATION

The Contractor agrees to indemnify, defend and hold harmless the County, its officials, officers, employees and agents, from and against any and all claims, damages, liabilities, losses, costs, or suits, of any nature whatsoever arising out of, because of, or due to any acts or omissions of the Contractor, its delegates, employees and agents, arising out of or under this Agreement, including reasonable attorney's fees and costs. The County may, at its sole option, defend itself or require the Contractor to provide the defense. The Contractor acknowledges that ten dollars (\$10.00) of the amount paid to the Contractor is sufficient consideration of the Contractor's indemnification of the County.

8. REPORTS

- a. A written report reflecting Contractor operations and program outcomes shall be submitted by the Contractor to the County prior to every quarter during the twelve (12) month contract as well as twice annually following the end of the contract, and on such other basis as the County may require from time to time. The reports will consist of the following:

1. Report of Clients Served (form to be prescribed by the County).

- b. The Contractor shall submit a Year-End Close-Out Report to County Administration, reflecting all program activity by no later than thirteen (13) months following the execution of this Agreement. Upon execution of this Agreement, the Contractor will designate in writing to the County, a member of the Contractor staff who will be responsible for submission of all Contractor reports to the County, and for administration of this Agreement on behalf of the Contractor. All contact with the Contractor regarding such reporting and administration will be directed to the attention of that designated individual.

- c. All reports prepared by the Contractor shall be submitted to:

Teresa Broxton, Director
Office of Intervention & Detention Alternatives
501 Appleyard Drive
Tallahassee, FL 32304
850-606-5712
broxtont@leoncountyfl.gov

9. AUDITS, RECORDS, AND RECORDS RETENTION

The Contractor agrees:

- a. To establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices which sufficiently and properly reflect all revenues and expenditures of funds reflected herein.

- b. To retain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this Agreement for a period of five (5) years after termination of the Agreement, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings or any litigation which may be based on the terms of this Agreement.
- c. Upon completion or termination of the Agreement and at the request of the County, the Contractor will cooperate with the County to facilitate the duplication and transfer of any said records or documents during the required retention period as specified in paragraph b above. The County may reproduce any written materials generated as a result of the Contractor's work.
- d. To assure that all records required to be maintained by the Contractor hereby shall be subject at all reasonable times to inspection, review, or audit by County, Federal, state, or other personnel duly authorized by the County.
- e. To permit persons duly authorized by the County and Federal auditors, pursuant to 45 CFR, Part 92.36(I)(10), to have full access to and the right to examine any of the Contractor's records and documents related to this Agreement, regardless of the form in which kept, at all reasonable times for as long as those records are retained.
- f. To include these aforementioned audit and record keeping requirements in all approved subcontracts and assignments.
- g. Comply with public records access requirements set forth in section 119.0701(2), Florida Statutes, including the obligation to:
 - 1. Keep and maintain public records required by the County to perform the Services required under this Agreement.
 - 2. Upon request from the County's custodian of public records, provide the County with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
 - 3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Term of this Agreement and following termination of the Agreement if the Contractor does not transfer the records to the County.
 - 4. Upon termination of the Agreement, transfer, at no cost, to the County all public records in possession of the Contractor or keep

and maintain public records required by the County to perform the Services required hereunder. If the Contractor transfers all public records to the County upon termination of the Agreement, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon termination of the Agreement, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the County, upon request from the County's custodian of public records, in a format that is compatible with the information technology systems of the County.

5. **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 850-606-5712, Teresa Broxton, Director, Office of Intervention & Detention Alternatives, broxtont@leoncountyfl.gov, insert telephone number, 501 Appleyard Drive, Tallahassee, FL 32304.**

10. NOTICE

- a. Upon execution of the Agreement, the Contractor shall provide in writing, the name of the Contractor's staff member who will be responsible for the submission of all Contractor's records, reports, invoices or documents to the County necessary for the administration of this Agreement.
- b. All invoices must be submitted electronically to Teresa Broxton, Director, Office of Intervention & Detention Alternatives, broxtont@leoncountyfl.gov. All other related correspondence, documents, records or reports shall be submitted to:

Name: Teresa Broxton, Director
Address Office of Intervention & Detention Alternatives
501 Appleyard Drive
Tallahassee, FL 32304

if not otherwise provided electronically.

- c. All notices required hereunder shall be in writing sent by United States certified mail, postage prepaid, return receipt requested, overnight courier

or by hand delivery. All notices required under this Agreement shall be given to the Parties at the addresses below or at such other place as the Parties may designate in writing.

Notice to Contractor:	Name:	John C. Wilson, CEO
	Address:	DISC Village, Inc. 3333 West Pensacola Street #300 Tallahassee, FL 32304
Notice to the County:	Name:	Teresa Broxton, Director
	Address:	Office of Intervention & Detention Alternatives 501 Appleyard Drive Tallahassee, FL 32304

11. CONTRACT MANAGEMENT:

- a. The Director of Office of Intervention & Detention Alternatives, shall be and is hereby authorized as the representative of the County, responsible for the day to day operational management of the provisions of the Agreement, including all matters related to the payment for the LIFT Program rendered by the Contractor hereunder, unless or until a written notice is provided to the Contractor stating otherwise.
- b. No officer, employee, agent or representative of the Contractor shall communicate, in any form or manner, with any County Commissioner or Commissioner's staff, regarding any particular matter related to the Parties performance under this Agreement.

For the purpose of this section, a Contractor's representative shall include, but not be limited to, the Contractor, if an individual or its employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the Contractor.

The provisions of this section shall not apply to oral communications or written materials presented at any public proceeding, including any public meetings of the Board of County Commissioners.

12. INSURANCE

The Contractor shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees, or subcontractors. The cost of such insurance shall be the sole responsibility of the Contractor. Such insurance shall be in accord with the following:

a. Minimum Limits of Insurance

Contractor shall maintain limits no less than:

1. General Liability: \$1,000,000 Combined Single Limit for bodily injury and property damage per occurrence with a \$2,000,000 annual aggregate.
2. Automobile Liability: One Million and 00/100 (\$1,000,000.00) Dollars combined single limit per accident for bodily injury and property damage. (*Non-owned, Hired Car*).
3. Workers' Compensation Employers Liability: Insurance covering all employees meeting Statutory Requirements in compliance with the applicable state and federal laws and Employer's Liability with a limit of \$500,000 per accident, \$500,000 disease policy limit, \$500,000 disease each employee. ***Waiver of Subrogation in lieu of Additional Insured is required.***
4. Umbrella: \$5,000,000 combined single limit for bodily injury and property damage combined per occurrence and annual aggregate. The coverage shall provide excess coverage for employer's liability, general liability, including completed operations and auto liability.
5. Professional Liability Insurance, including errors and omissions: for all services provided under the terms of this agreement with minimum limits of One Million and 00/100 (\$1,000,000.00) Dollars per occurrence; or claims made form with "tail coverage" extending three (3) years beyond the term of the agreement. Proof of "tail coverage" must be submitted with the invoice for final payment. In lieu of "tail coverage", Contractor may submit annually to the County a current Certificate of Insurance proving claims made insurance remains in force throughout the same three (3)-year period.

b. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

c. Other Insurance Provisions

The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability, Automobile Liability and Event Liability Coverages (*County is to be named as Additional Insured*).

- a. The County, its officers, officials, employees and volunteers are to be covered as additional insureds as respects; liability arising out of activities performed by or on behalf of the Contractor, including the insured's general supervision of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protections afforded the County, its officers, officials, employees or volunteers.
- b. The Contractor's insurance coverage shall be primary insurance as respects the County, its officers, officials, employees and volunteers. Any insurance of self-insurance maintained by the County, its officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it. Contractor hereby waives subrogation rights for loss or damage against the county.
- c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the county, its officers, officials, employees or volunteers.
- d. The Contractor's insurance shall apply separately to each insured against whom claims are made or suit is brought, except with respect to the limits of the insurer's liability.
- e. Companies issuing the insurance policy, or policies, shall have no recourse against the County for payment of premiums or assessments for any deductibles with are all at the sole responsibility and risk of Contractor.

2. All Coverages

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the County.

d. Acceptability of Insurers

Insurance is to be placed with insurers with a Best's rating of no less than A:VII.

e. Verification of Coverage

Contractor shall furnish the County with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by the County before work commences. The County reserves the right to require complete, certified copies of all required insurance policies at any time.

f. Subcontractors

Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated hereinabove.

13. MISCELLANEOUS PROVISIONS

a. Status

The Contractor at all times relevant to this Agreement shall be an independent contractor and in no event shall the Contractor nor any employees or subcontractors under it be considered to be employees of the County.

b. Conflicting Employment

For the duration of this Agreement, the Contractor shall not enter into any other agreements that would ethically conflict with its obligations under this Agreement.

c. Licenses

The Contractor shall be responsible for obtaining and maintaining its city occupational license and any licenses required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida. Should the Contractor, by reason of revocation, failure to renew, or any other reason, fail to maintain its license to operate, the Contractor shall be in default of this Agreement as of the date such license is lost.

d. Assignments

This Agreement shall not be assigned as a whole or in part without the prior written consent of the County nor shall the Contractor assign any monies due or to become due to him hereunder without the prior written consent of the County.

e. Monitoring

The Contractor shall permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and services of the Contractor which are relevant to this Agreement, and interview any clients and employees of the Contractor to assure the County of the Contractor's satisfactory performance of the terms and conditions of this Agreement.

f. Public Entity Crimes Statement

In accordance with section 287.133, Florida Statutes, Contractor hereby certifies that to the best of his knowledge and belief neither Contractor nor its affiliates have been convicted of a public entity crime. Contractor and his affiliates shall provide the County with a completed public entity crime statement form no later than January 15 of each year this Agreement is in effect. Violation of this section by the Contractor shall be cause for termination of this Agreement by the County.

g. Unauthorized Alien(s) And E-Verify

The Contractor agrees that unauthorized aliens shall not be employed nor utilized in the performance of the requirements of this Agreement. The County shall consider the employment or utilization of unauthorized aliens a violation of Section 274A(e) of the Immigration and Naturalization Act (8 U.S.C. 1324a). Such violation shall be cause for termination of this Agreement by the County.

1. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification. Contractor further agrees to provide to the County, within thirty days of the effective date of this contract/amendment/extension, documentation of such enrollment in the form of a copy of the E-Verify "Edit Company Profile" screen, which contains proof of enrollment in the E-Verify Program (this page can be accessed from the "Edit Company Profile" link on the left navigation menu of the E-Verify employer's homepage).
2. Contractor further agrees that it will require each subcontractor that performs work under this contract to enroll and participate in the E-Verify Program within sixty days of the effective date of this contract/amendment/extension or within sixty days of the effective date of the contract between the Contractor and the subcontractor, whichever is later. The Contractor shall obtain from the subcontractor(s) a copy of the "Edit Company Profile" screen indicating enrollment in the E-Verify Program and make such record(s) available to the County upon request.
3. Contractor will utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of: (a) all persons employed during the term of the Agreement by Contractor

to perform employment duties within Florida; and (b) all persons (including subcontractors) assigned by Contractor to perform work pursuant to the Agreement.

- a. Contractor must use E-Verify to initiate verification of employment eligibility for all persons employed during the term of the Agreement by Contractor to perform employment duties within Florida within 3 business days after the date of hire.
 - b. Contractor must initiate verification of each person (including subcontractors) assigned by Contractor to perform work pursuant to the Agreement within 60 calendar days after the date of execution of this contract or within 30 days after assignment to perform work pursuant to the Agreement, whichever is later.
4. Contractor further agrees to maintain records of its participation and compliance with the provisions of the E-Verify program, including participation by its subcontractors as provided above, and to make such records available to the County or any other authorized state agency consistent herewith.
 5. Compliance with the terms of this Employment Eligibility Verification provision is made an express condition of this Agreement and the County may treat a failure to comply as a material breach of this Agreement.
- h. Non-Waiver

Failure by the County to enforce or insist upon compliance with any of the terms or conditions of this Agreement or failure to give notice or declare this Agreement terminated shall not constitute a general waiver or relinquishment of the same, or of any other terms, conditions or acts but the same shall be and remain at all times, in full force and effect.
 - i. Modifications

This Agreement constitutes the entire understanding of the Parties. Any modifications to this Agreement must be in writing.
 - j. Venue

Venue for all actions arising out of this Agreement shall lie in Leon County, Florida.

k. Construction

The validity, construction, and effect of this Agreement shall be governed by the laws of the State of Florida.

l. Compliance With Anti-Discrimination Legislation

In providing, or contracting to provide services, programs or activities, maintaining facilities, and otherwise performing obligations under this Agreement, the Contractor shall comply with the Americans with Disabilities Act, the Civil Rights Act of 1964, as amended, the Florida Civil Rights Act of 1992, and any other federal or state law or County ordinance that prohibits discrimination on the basis of race, color, national origin, religion, sex, age, marital status, disability, sexual orientation or gender identity.

m. Headings In This Agreement

The headings in this Agreement are for convenience only, confirm no rights or obligations in either Party, and do not alter any terms of this Agreement.

n. Severability

If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, shall remain in full force and effect as if such invalid or unenforceable term had never been included.

o. Force Majeure

If either Party is prevented from or delayed from performing any obligations under this Agreement (except payment or financial obligations) by circumstances beyond its control, including but not limited to fires, hurricanes, severe weather, floods, pandemics, quarantines, war, civil disturbances, acts of terrorism, acts of God, or significant threats of such circumstances, or any future laws, rules, regulations, orders, or acts of any local, state, or federal government ("Force Majeure"), then the affected party shall be excused from performance hereunder during the period of disability. The party claiming Force Majeure shall promptly notify the other party in writing when upon learning of the existence of a Force Majeure condition, and when the Force Majeure condition has terminated. Notwithstanding anything in this Agreement to the contrary, the term "Force Majeure" does not include or excuse performance under this Agreement for events relating to increased costs associated with fuel, labor, labor disputes, insurance, or other expenses of performing the obligations hereunder.

p. Survival of Obligations

Cancellation, expiration, or earlier termination of this Agreement shall not relieve the Parties of obligations that by their nature should survive such cancellation, expiration, or termination.

q. Counterparts

This Agreement may be executed in any number of counterparts, and each executed counterpart shall have the same force and effect as an original instrument.

r. Sovereign Immunity

Nothing herein shall be construed as a waiver of any rights and privileges afforded the County, as a political subdivision of the State of Florida, under section 768.28, Florida Statutes, as amended.

s. Dispute Resolution

1. All disputes arising under or relating to this Agreement shall be resolved in accordance with this Section, except for disputes related to liquidated costs, which shall be addressed and resolved in accordance with this Section and disputes related to payments, which shall be addressed and resolved in accordance with Section 5.
2. The Parties shall attempt to resolve all disputes that arise under this Agreement in good faith and in accordance with the following procedure:
 - a. The aggrieved Party shall give written notice to the other Party setting forth the nature of the dispute, date of occurrence (if known), and proposed equitable resolution.
 - b. Representatives of both Parties shall meet at the earliest opportunity to discuss and resolve the dispute. If the dispute is resolved to the mutual satisfaction of both, they shall report their decision to the Parties in writing.
 - c. If those representatives are unable to reconcile the dispute, they shall report their impasse to the appropriate County Director and the Contractor's designee, who, at their earliest opportunity, shall meet and attempt to reconcile the dispute.
 - d. Should the Director and the Contractor's designee fail to resolve the dispute, they shall report their impasse to the County Administrator, or authorized representative, and the

Contractor's designee, who, at their earliest opportunity, shall review and attempt to resolve the dispute.

- e. If the County Administrator and the Contractor's designee are not able to amicably resolve the dispute within fifteen (15) business days after the impasse is reported to them, then either Party can pursue whatever forms of relief that may be available to it under this Agreement, at law, or in equity.

- t. Attorneys' Fees and Costs.

In the event of a dispute arising under this Agreement, whether or not a lawsuit or other proceeding is filed, the prevailing Party shall be entitled to recover its reasonable attorneys' fees and costs, including attorneys' fees and costs incurred in litigating entitlement to attorneys' fees and costs, as well as in determining or quantifying the amount of recoverable attorneys' fees and costs. The reasonable costs to which the prevailing Party is entitled shall include costs that are taxable under any applicable statute, rule or guideline, as well as non-taxable costs, including, but not limited to, costs of investigation, copying costs, electronic discovery costs, telephone charges, mailing and delivery charges, information technology support charges, consultant and expert witness fees, travel expenses, court reporter fees, and mediator fees, regardless of whether such costs are otherwise taxable.

[THE REMAINDER OF THIS PAGE IS LEFT BLANK INTENTIONALLY]

[SIGNATURE PAGE FOLLOWS THIS PAGE]

WHERETO, the Parties have set their hands and seals and executed this Agreement the date set forth below.

LEON COUNTY, FLORIDA

DISC VILLAGE, INC.

BY: _____
Vincent S. Long
County Administrator

BY: _____
John C. Wilson
Chief Executive Officer

Date: _____

Date: _____

ATTEST:

Gwen Marshall, Clerk of the Circuit Court &
Comptroller, Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

ATTACHMENT A: STATEMENT OF WORK

- A. List the Legal Name of the Contractor as listed with the Florida Division of Corporations: DISC Village, Inc.
- B. Program Narrative for approved activity.
1. The target population for the DISC Village, Inc. Leveraging Interventions For Transformations, or LIFT program, will be both male and female habitual nonviolent offenders who have repetitive felony and misdemeanor offenses related to substance abuse and/or alcohol abuse. Program participants will be pre-screened by the State Attorney and the Public Defender and then court referral to the LIFT program. Participants are screened and chosen by Leon County Jail Staff and have to be eligible for Trustee status to participate in the LIFT program. When selecting the participants the jail staff considers the inmates' work and other program schedules as well as suitability to exit the secured facility to attend the program.
 2. The number of unduplicated persons will be no less than 40 offenders to be treated by the LIFT program.
 3. The LIFT project will provide one full-time Program Coordinator to act in a supervisory capacity and deliver core program services, as needed. Up to three part-time staff members will act as Specialized Case Managers (SCM) for delivery of core program services, as well as conduct case management and provide follow-through subsequent to program completion.

Each individual will be administered the Biopsychosocial Assessment by the SCMs. Final assessment questions and recommendations will be utilized to determine the individual's readiness to participate in vocational training. Results will also allow the SCMs to develop individual case management plans.

The vocational components of LIFT will be administered by a combination of face-to-face instruction, innovative online distance learning tools and vocational training. Additionally, SCMs will provide employment placement assistance and extended monitoring after job placement to ensure sustainability while working with other community partners, such as Workforce Plus, to assist with preparation for job interviews, job placement and development of successful employment behaviors.

Finally, SCMs will provide wrap-around services to address the ancillary needs of participants such as transportation, child care, housing, substance abuse and mental health treatment programs, counseling and urinalysis testing. Coordination of services will include connection to collaborative agency services that specifically address the specific needs of each participant. SCMs will develop and coordinate information regarding housing and job banks with other community agencies.

LIFT participants will be required to maintain a grade average of 75% or better in order to satisfactorily complete their programs. Regular sessions with the SCMs will be held to review progress in order to ensure their success. In order to assist with the appropriate monitoring of the LIFT program, tracking tickets will be developed that will enable tracking of participants by name, SPN#, type of offense, date(s) arrested, type of vocational training, attendance records, re-offenses, individual case studies and other services offered (counseling, urinalysis, etc.). This information will be submitted on a quarterly basis to the Leon County Public Safety Coordinating Council (PSCC).

ATTACHMENT B: OUTLINED TASKS

- A. List the Legal Name of the Contractor, as listed with the Florida Division of Corporations: DISC Village, Inc.
- Specialized Case Managers (SCMs) will be trained to assist LIFT participants with various application processes. As needed, SCMs will assist with applications for food stamps, cash assistance, Medicaid and Social Security benefits. Where feasible, this will also include the application for restoration of civil rights. DISC Village will establish a computer terminal specifically designated to meet these needs.
 - LIFT participants will be enrolled in the Life Corp Academies to develop their employability skills. Life Corp Academies has been licensed by the Florida Department of Education and is an accredited school. Higher level courses will result in industry recognized certifications.
 - DISC Village will work with Workforce Plus to ensure provision of employment services such as obtainment of interview skills, resume building and assistance with career placement in high growth jobs. Furthermore, there will be the opportunity to complete “Ready To Work” certificates to further enhance opportunities to gain employment. A “job bank” will also be developed for LIFT participants to research and apply for job openings, as appropriate.
 - DISC will provide Life Skills Training. This will provide individuals with skills that are needed in order to acquire employment, as well as to maintain such employment, and facilitate a positive lifestyle. The Life Skills Training includes an assessment and development of a plan that addresses the individual needs of the participants, complete with goals. This training will be available to LIFT participants both during and after incarceration. The available training categories include:
 - Money Management,
 - Community Resources,
 - Legal Skills,
 - Educational Planning,
 - Housing,
 - Personal Appearance,
 - Job Seeking Skills,
 - Housekeeping,
 - Transportation,
 - Interpersonal Skills/Conflict Resolution,
 - Emergency and Safety
 - Leisure Activities,
 - Food Management,
 - Health, and
 - Job Maintenance Skills

ATTACHMENT C: METHOD AND AMOUNT OF COMPENSATION

1. List the Legal Name of the Contractor as listed with the Florida Division of Corporations:
DISC Village, Inc.
2. Total of Funds awarded: \$100,000.00
3. Payment Schedule: \$50,000 shall be paid upon the contract start date with the remaining \$50,000 to be paid following the first quarterly report submittal.
4. Budget for Funds:

EXPENSES	AMOUNT
SALARIES LIFT Program Coordinator – 1 FTE – \$16.82/hour @ 2,080 hours	\$36,035.17
LIFT Specialized Case Managers – 1.5 FTE (3 part-time) – \$12.00/hour @ 2,080 hours	\$38,563.20
SALARIES TOTAL	\$74,598.37
PAYROLL TAXES FICA – Salaries (74, 598.37) @ .0765	\$5,706.78
PAYROLL TAXES TOTAL	\$5,706.78
RETIREMENT 401k for LIFT Program Coordinator@ 4%	\$1,441.41
RETIREMENT TOTAL	\$1,441.41
EMPLOYEE HEALTH INSURANCE Health Insurance for LIFT Program Coordinator	\$3,397.00
EMPLOYEE HEALTH INSURANCE TOTAL	\$3,397.00
CELLULAR PHONE Two phones @ \$50.00/month	\$1,200.00
CELLULAR PHONE TOTAL	\$1,200.00

INSURANCE	
• GENERAL	\$500.00
• PROFESSIONAL LIABILITY	\$1,000.00
INSURANCE – GENERAL & PROFESSIONAL LIABILITY TOTAL	\$1,500.00
INSURANCE – WORKERS’ COMPENSATION	
LIFT – Program Coordinator @ \$432.42	
LIFT – Specialized Case Managers @ \$462.76	
INSURANCE – WORKERS’ COMPENSATION	\$895.18
EDUCATIONAL MATERIAL & SUPPLIES TOTAL	\$5,000.00
STAFF TRAVEL TOTAL	\$1,000.00
ADMINISTRATIVE OVERHEAD	
Overhead (\$94,738.73) @ 5%	\$4,736.94
Additional Negotiated Case Management Services	\$524.32
ADMINISTRATIVE OVERHEAD TOTAL	\$5,261.26
EXPENSES TOTAL	\$100,000.00



Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

Commissioners

JOHN DAILEY

District 3

Chairman

NICK MADDOX

At-Large

Vice Chairman

BILL PROCTOR

District 1

JIMBO JACKSON

District 2

BRYAN DESLOGE

District 4

KRISTIN DOZIER

District 5

MARY ANN LINDLEY

At-Large

VINCENT S. LONG

County Administrator

HERBERT W.A. THIELE

County Attorney

September 20, 2017

The Honorable John Dailey
Chairman

Leon County Board of County Commissioners
301 S. Monroe Street
Tallahassee, FL 32301

Dear Chairman Dailey:

As with recent years, the Board has tentatively approved \$100,000 allocation to the Jail Diversionary Fund for FY 2018.

In their letter on May 4, 2017, DISC Village, Inc. requested the continuation of funding for the Leveraging Interventions for Transformations (LIFT) Program.

During its September 19, 2017 meeting, the Public Safety Coordinating Council (PSCC) voted to recommend the LIFT Program receive the full allocation of \$100,000 for the continuation of services.

I would be happy to discuss this matter further during our Budget Workshop on Tuesday, October 3, 2017.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Bill Proctor".

Bill Proctor
Chairman, Public Safety Coordinating Council

cc: Board of County Commissioners
Public Safety Coordinating Council Members



L.I.F.T PROGRAM

(Leveraging Interventions for Transformations)

DISC VILLAGE, INC.

John Wilson, Chief Executive Officer

Freda King, Program Director

Quarterly Report

(April 1st-June 30th, 2017)

Program Narrative:

The Leveraging Interventions for Transformations Program, more commonly known as L.I.F.T, has served 258 male and female trustees, housed in the Leon County Jail since October 2010. As of the month of December 31st, 2016, L.I.F.T has served two-hundred and five (205) male trustees and fifty-three (53) female trustees with intensive therapeutic and skills-based training. The primary mission of the LIFT Program is to reduce recidivism and lessen the number of offenders housed at the Leon County Jail. L.I.F.T has modeled its program to be a holistic approach by providing readily available, well-coordinated, essential services to women and men while incarcerated for an average of 10-12 weeks and during the post-release phases which average 6-9 months. These services include case management, substance abuse and trauma education, life skills, employment and vocational training, job placement assistance, continued education services, advocacy for public health, child welfare, housing, and transportation assistance.

Consumer Enrollment and Demographics:

The LIFT program is scheduled to serve 280 trustees over a seven-year period, from October 2010 through September 2017. DISC Village and LCJ deemed 258 trustees suitable for services. This represents 92 % of the anticipated enrollment goal.

Descriptor of Demographic Info	Data
Average of Age	32 years
African-Americans Served	68%
Caucasians Served	32%
Low income (food stamp eligible)	95%
Have dependent children under 18	44%
Homeless Upon Release	19%
History of Substance Use/Abuse	85%
History of Mental Health Diagnosis	28%
Need transportation support	78%

Based on findings in the Bureau of Justice statistics demonstrate a correlation between high dropout rates and criminality. LIFT has reviewed the educational backgrounds of its consumers.

Geographic Areas Served	Data
Leon County Residents	77%
Surrounding Counties in Big Bend	8%
Other Florida Counties	12%
Georgia/ Alabama/other States	3%

Educational Background	Data
>Less than 12 th grade completed	40% (103)
HSD/GED Completed	25% (65)
At least some post-secondary, no degree	23% (58)
Earned a credential (Voc. Cert, degree)	12% (32)

Program Support Services:

The LIFT Program has provided case management, which included completing food stamp applications, online job applications, located temporary housing, worked with the Tax Collector's Office, so clients could receive a Florida I.D., revised resume and cover letters, food and employment assistance, substance abuse and educational services. Additionally, we helped consumers file motions to convert court costs into community service hours and then we helped consumers find volunteer placement.

April 1st-June 30th, 2017	
Support Services Provided	Data
LIFT-Office Visits	70
Communication via Phone/Email/Letter	84
Florida State I.D/Birth Certificate/Gift Card	9
Seven Day Bus Pass	14
Goodwill Voucher	9
Flash Drive/USB Stick	0

The program also offers stipends to pay for replacement driver's licenses, birth certificates, and gift cards to help with toiletries and personal care resources. The LIFT Program pays \$30.00 enrollment fee for participants scoring lower than a 9th grade on any area on the TABE to be enrolled adult basic education/GED training while in jail. The current GED testing fee is \$128.00

Success Story:

E. G is a former LIFT participant who served 10 months in the Leon county jail for (2) sale of cocaine. Since his release in June of 2017, consumer resumed employment as a full-time carpenter with the A+ Crew Company (**within 4 of his release**). Additionally, he moved into a duplex in July after saving his money for his electric deposit and bill and his first month rent. The LIFT program has provided food, bus passes and bedding to help alleviate barriers while consumer was working towards self-sufficiency. Additionally, Case manager King obtained a dining room table and chairs through a donation for the consumer. Consumer is on probation and receives substance abuse counseling and continues to meet with the LIFT Staff bi-weekly.

79 out of the 256 released LIFT consumers have been re-arrested within the last 78 months of program services, resulting in a 31% recidivism rate. 35 out of the 90 consumers who have recidivated have worked or are currently with the LIFT staff to obtain employment and mental health services with community partners, help with obtaining personal documents and enrolling into school. 11 out of the 86 consumers, who have recidivated, were administratively removed from the LIFT program and a rapport was never established and they never made contact upon release.

DISC VILLAGE, INC. L.I.F.T. PROGRAM April 1st-June 30th, 2017 Quarterly Report	PERFORMANCE					
	Year 1-7 GOAL	Enrolled to Date	Successful Completion	Failure	Pending Completion	Successful Completion Rate (100% - Failure/Enrolled to Date)
1. ENROLLMENT	280	258	258	0	0	100%
2. SERVICES						
a. Provide an orientation and assessment for all consumers	280	258	258	0	0	100%
b. Provide all consumers an individual case plan	280	258	258	0	0	100%
c. 85% of consumers complete Employability Skills training	238	258	223	34	1	86%
d. 85% of consumers complete Life Skills training	238	258	220	37	1	85%
e. 85% of consumers will complete Substance Abuse education/counseling	238	258	195	62*	1	76%
f. 85% of consumers will complete at least one vocational training in Microsoft (Word, Excel, Power Point, Safe Food Handling, etc.)	238	258	223	35	0	86%
3. POSITIVE OUTCOMES						
a. 100% of consumers enrolled in LIFT will comply with the rules of the Leon County Jail and be released as scheduled.	280	258	217	40	1	85%
b. 65% of consumers released will not recidivate into the Leon County Jail within the next two years.	182	258	166	90	2	65%
c. 65% of consumers released will obtain employment, either full or part-time or enrolled in post-secondary school.	182	258	177	37	44	86%

* Substance abuse education services began as a component of the LIFT Program in October 2011

**Leon County
Board of County Commissioners**

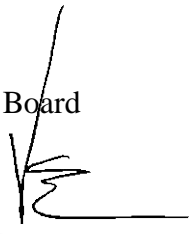
Notes for Agenda Item #6

Leon County Board of County Commissioners

Agenda Item #6

October 10, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Two-Year Application and Funding Process for Agencies Participating in the Community Human Services Partnership

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator
Lead Staff/ Project Team:	Shington Lamy, Director, Office of Human Services & Community Partnerships Felisa Barnes, Financial Compliance Manager

Statement of Issue:

This agenda item seeks the Board's approval to modify the Community and Human Services Partnership (CHSP) process by adopting the proposed two-year application and funding cycle. As reported to the Board in a July 11, 2017 status report, the agencies funded through the CHSP process have requested consideration of a two-year application and funding model in lieu of the current one-year process. Staff has worked with CHSP agency representatives, members of the Human Services Grant Review Committee, United Partners for Human Services and Citizen Review Teams to develop protocols for a two-year process. The City of Tallahassee has tentatively approved this modification to a two-year application and funding cycle and will be party to a Memorandum of Understanding scheduled to come back to both Commissions in November.

Fiscal Impact:

This item has a fiscal impact to the County, which is contemplated during the annual budget planning process. Since FY 16/17, the Board has budgeted \$1.2 million for the CHSP process. In accordance with County fiscal policy, the annual CHSP funding level is established prior to March 31st at a set amount. Under the two-year funding cycle, the Board would establish the funding level for CHSP for two fiscal years beginning in March 2018. As with the current process, funds would not be available to the agencies for either year until the County's annual budget has been approved and adopted.

Staff Recommendation:

Option #1: Approve the implementation of a two-year application and funding process for the Community Human Service Partnership (CHSP) to commence in FY 18/19 and direct staff to incorporate this modification into a Memorandum of Understanding with the City of Tallahassee to be brought back to the Board for final approval.

Report and Discussion

Background:

In 1997 the County, City of Tallahassee (City), and United Way of the Big Bend (UWBB) joined together to form CHSP to serve as a joint planning and funding distribution process for human services in Tallahassee-Leon County. By all accounts, the partnership has been successful. However, in August 2016, the UWBB informed the County and City that it would no longer participate in the CHSP process beginning with the FY 18/19 funding cycle. Prior to that announcement, the agencies funded through CHSP asked the funding partners to consider implementing a multi-year application and funding process. Subsequent to UWBB's decision, at the September 13, 2016, regular meeting, the Board directed staff to move forward with the development of a memorandum of understanding (MOU) with the City to memorialize our mutual commitment to the partnership and the human services agencies supported through the CHSP process.

On July 11, 2017, staff provided the Board a status report on the CHSP and identified a timeline for presenting separate agenda items for the Board's consideration (Attachment #1). The first item would propose a two-year application and funding cycle, as provided for in this analysis, the second item would outline an MOU with the City for the broader policy and operational elements of the CHSP process in order to commence by FY 18/19 after the UWBB disengages from the partnership.

This item addresses the two-year application and funding process for CHSP and is essential to the following FY2017-FY2021 Strategic Initiative that the Board approved at the January 24, 2017 meeting:

- Work with the City of Tallahassee to develop a new CHSP process in light of the United Way's decision to conduct a separate funds distribution process. (2016-27)

This particular Strategic Initiative aligns with the Board's Quality of Life Strategic Priority:

- (Q4) Support and promote access to basic and welfare services to our community members most in need.

Analysis:

For the past few years, representatives from the agencies funded through the CHSP process have requested a change from the current annual funding cycle to a multi-year application and funding cycle. Agency representatives have argued that a multi-year cycle would reduce the amount of time they are required to invest in applying for CHSP funds and allow them to do more long range planning. Over the past year, County and City staff have met with CHSP agency heads several times to discuss opportunities for improving the CHSP process following the disengagement of United Way. During these meetings, the agencies continued to emphasize their desire for a two-year application and funding cycle.

To develop procedures for implementing and administering a two-year process, County and City staff collected input from members of the Human Services Grants Review Committee (HSGRC) and volunteer Citizen Review Teams (CRTs), as well as representatives from United Partners for Human Services and CHSP agencies. Input and feedback from these agency representatives and volunteers was critical in developing procedures that considered the opportunities and challenges associated with a multi-year application and funding model. As a result, staff has prepared an outline of the proposed model for implementing and administering a two-year CHSP application and funding process.

Establish CHSP Funding Level for a Two-Year Period

As previously stated, the Board sets the CHSP funding levels in March of each year. As specified in Leon County Ordinance, No. 2013-08 “Discretionary Funding Guidelines”, and Policy No. 93-44, County Fiscal Planning Policy, the Board must consider these funding limits prior to March 31 each year. In addition, during the FY 2016 Strategic Planning Process, in order to align the CHSP funding with the agency allocation process, the Board adopted a new strategic initiative that “established the annual County CHSP funding commitment early in the budget process as a set amount.” Under the proposed model, beginning in March 2018, the Board would establish the CHSP funding level for a two-year period, giving consideration to both FY 18/19 and FY 19/20. This modification will not require a change to the current ordinance or fiscal policy. As with the current budget process, funds would not be available to the agencies, or obligated, for either fiscal year until the County’s annual budget has been approved and adopted. The City would also establish its CHSP funding levels for a two-year cycle each spring (March/April).

While the intent of this modification is to provide greater financial stability and reduce the amount of agency time invested in seeking funds annually, there is always the potential of unforeseen or unavoidable budget constraints arising during the County’s annual budget deliberations that could require the Board to reassess its funding commitment any given year. For example, upon successful passage of an additional homestead exemption by the voters in November 2018, the County would face an estimated \$7.2 million shortfall in ad valorem revenue in FY 19/20 which would be the second year of the initial two-year CHSP application and funding cycle. Fortunately, the County has identified a long-term financial path to mitigate the anticipated revenue loss should voters approve the additional homestead exemption, positioning the County at this time to be able to make a two-year funding commitment in March 2018. However, should the Board reduce the funding level for the second fiscal year of a two-year cycle, the funding for all agencies would be proportionality reduced based on the availability of funds. No additional Board action would be required.

Agency Application and Notification of Recommended Program Annual Funding

Table #1 on page 5 of this item illustrates a preliminary timeline for the implementation of the two-year funding cycle for the FY 18/19 and FY 19/20 CHSP process.

At the start of the 18/19 CHSP process, agencies will be required to submit one application for each program to be funded in the two-year cycle. Separate budget and program goals will be

required for each year. The application and budget worksheet will be formatted to allow for clear, easy identification of the year, program and the funding amount requested for each respective fiscal year. Under this proposed model, agencies seeking funding through the CHSP process must apply within the application window. There will be no other opportunity to apply for funding until a new two-year cycle begins.

The Citizens Review Teams are comprised of volunteers recruited by CHSP staff as well as members of the Board-appointed Human Services Grant Review Committee. The CRTs begin their evaluation process by considering the CHSP funding level established in March by the Board. The CRTs' evaluation process includes a review of the agency application as well as program data collected through the CHSP portal. The CRTs will also attend agency presentations of program goals prior to submitting recommendations to the County and City CHSP staff.

Beginning in January 2018, agencies will submit statistical data through the CHSP portal for the agency quarterly reports. The data will include the number of clients served in each funding category by race, gender, age, disability (if applicable) and zip code. Statistical data collected through the CHSP Portal will be shared with the CRTs.

The Human Services Grants Review Committee will review and consider the recommendations of the CRTs in determining its final recommended allocation of County funds. Agencies will then be notified of the recommended award for each fiscal year. The letter will identify the recommended funding amount for each fiscal year in the two-year cycle.

All agencies may appeal the funding recommendation by submitting a written request for a hearing to the CHSP Appeals Committee. The CHSP Appeals Committee is comprised of the CRT team leader from each of the ten CHSP categories (Basic Needs, Youth Services, etc.). Agencies will have the opportunity to appeal the funding recommendation for one or both fiscal years within an established time frame. There would be no opportunity for appeal of any recommended funding award amount for the two-year cycle after this time.

Board Approval

Once the appeals process has been exhausted, if needed, staff will then prepare an agenda item presenting the recommended agency funding allocations to the Board. Subsequently, staff will execute an annual contract with the agency approved for funding. No agenda item will be presented for the second year award of CHSP funding. As previously mentioned, in the event the Board modifies the initial allocation established for year two of the CHSP cycle, agency funding will be adjusted prior to the execution a contract for year two and will not require additional Board action. As previously stated, agencies will continue to be notified that all funding awards are subject to budget approval and adoption. County and City staffs will continue to ensure that agencies meet the performance outcomes of their contracts.

Reduction or Elimination of Second Year Funding

All agency contracts will define the outcome goals and expectations for each funded program. Through the CHSP portal, data collected will be used to measure the program's success in

meeting the established CHSP programs goals. Under the two-year application and funding model, programs that do not meet their outcome goals of the first year contract may be subject to a reduction or elimination of funding in the second year.

Following the contract compliance review at the end of the first year, staff will identify any programs that did not meet the contractual obligations or stated program goals and, if warranted, provide the agency written notification of a reduction or elimination of second year program funding. If the agency disagrees with staff's findings, the agency may request a hearing before the CHSP Appeals Committee. Upon consideration of the information presented by the agency and staff, the CHSP Appeals Committee may uphold, modify, or overturn staff's determination. All decisions of the CHSP Appeals Committee are final.

Following a determination that an agency did not satisfactorily meet its contractual obligations or program goals, the eliminated or withheld funds for that program will be redistributed by staff among the programs within the affected CHSP category. However, programs that have been allocated the entirety of their initial funding request will not be eligible for the additional funds at which time the CRTs will determine the programs where the funds will be utilized.

For the County, the proposed two-year CHSP application and funding cycle is recommended to commence with the FY 18/19 budget process as illustrated in Table #1.

Table #1. Proposed Timeline for Two-Year Funding Cycle for FY 18/19 and FY 19/20

Month	Activity
Dec. 2017	<ul style="list-style-type: none"> Staff begins campaign to inform all human services agencies of the new two-year application and funding model
Jan./Feb. 2018	<ul style="list-style-type: none"> Application window opens for FY 18/19 and FY 19/20 CHSP Funding Cycle
Mar. 2018	<ul style="list-style-type: none"> The Board establishes the CHSP funding levels for FY 18/19 and FY 19/20
Apr./June 2018	<ul style="list-style-type: none"> Agency presentations to Citizen Review Teams Deliberations by Citizen Review Teams to determine award recommendations
July 2018	<ul style="list-style-type: none"> Agencies notified of CHSP funding for FY 18/19 and FY 19/20 Appeals window for FY 18/19 and FY 19/20 funding awards
Sept. 2018	<ul style="list-style-type: none"> HSGRC reviews and considers the recommendations of the CRTs The Board considers CHSP agency funding allocations for FY 18/19 and FY 19/20
Sept./Oct. 2019	<ul style="list-style-type: none"> Agencies submit end of year report Staff reviews end of year report to determine if program goals were met Agencies are notified of any change in second year funding award Staff executes second year contract
Jan./Feb. 2020	<ul style="list-style-type: none"> Application window opens for FY 20/21 and FY 21/22 CHSP Funding Cycle

Conclusion

The proposed two-year funding model presented in this item supports the agencies' desire to establish a multi-year funding process. UWBB's decision to disengage from the long standing partnership with Leon County and the City represents a significant change to the CHSP program and provides an opportunity for process improvements. In recognizing this opportunity, the County and City continue methodically in their outreach and planning efforts to engage all stakeholders and modifying the CHSP process, including the online portal.

Although improvements and modifications to the CHSP are in the early stages, one of the most significant improvements to be incorporated along with the two-year application and funding model, is the automation and enhancement of data collection. The online portal has been modified to capture various demographic and statistical data. These data sets will be used to develop and evaluate program effectiveness, develop measures to help agencies improve service delivery, assess community impact and ultimately provide a validated basis for future funding allocations. As staff continues to collect and analyze data and engage stakeholders for feedback, recommendations to support future process improvements will be presented for the Board's consideration.

The City has voiced its support of a multi-year application and funding model. Should the Board approve the implementation of the proposed two-year model, staff will incorporate these modifications into the MOU with the City. The proposed MOU will address broader policy and operational elements of the CHSP process and will be brought back to the Board for approval on November 28, 2017.

Options:

1. Approve the implementation of a two-year application and funding process for the Community Human Service Partnership (CHSP) to commence in FY 18/19 and direct staff to incorporate this modification in to a Memorandum of Understanding with the City of Tallahassee to be brought back to the Board for final approval.
2. Do not approve the implementation of two-year application funding process for the Community Human Service Partnership (CHSP).
3. Board direction.

Recommendation:

Option #1.

Attachment:

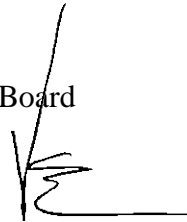
1. July 11, 2017 Status Report on the Community Human Services Partnership

Leon County Board of County Commissioners

Agenda Item #21

July 11, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Status Report on the Community Human Services Partnership

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator
Lead Staff/ Project Team:	Shington Lamy, Director, Office of Human Services & Community Partnerships Felisa Barnes, Financial Compliance Manager

Statement of Issue:

This agenda item provides a status report on the development of memorandums of understanding with the City of Tallahassee and the United Way of the Big Bend (UWBB) regarding the Community Human Services Partnership (CHSP) to ensure continued collaboration of the primary funding entities in support of the CHSP funded agencies.

Fiscal Impact:

This item does not have a fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report on the Community Human Services Partnership.

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Date: July 11, 2017
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Report and Discussion

Background:

Subsequent to the United Way of the Big Bend (UWBB) announcing its intent to disengage from the CHSP process effective FY 19, the Board approved the following at the September 13, 2016 meeting:

- Direct staff to maintain the current arrangement with the City of Tallahassee and the United Way of the Big Bend in the Community Human Service Partnership (CHSP) process through the CHSP FY 17 and FY 18 funding cycle.
- Direct staff to work with the City of Tallahassee to revise the CHSP process and draft a new Memorandum of Understanding for the allocation of FY 19 CHSP funds.
- Direct staff to prepare a draft MOU between Leon County and the UWBB to ensure continued collaboration in support of the CHSP funded agencies.

Staff continues to work closely with the City, UWBB and CHSP agencies in preparing the draft MOU's for presentation to the Board in late September or early October of this year. In addition, at the September 2016 meeting, the Board directed:

- Staff to prepare recommendations for Board consideration regarding maintaining a joint online application/web portal and option for implementing a multi-year funding cycle.

This agenda item provides an update on the development of the proposed MOU's, including recommendations regarding the joint online application/web portal and multi-year funding cycle.

This update on the CHSP modification process is essential to the following FY2017-FY2021 Strategic Initiative that the Board approved at the January 24, 2017 meeting:

- Work with the City of Tallahassee to develop a new CHSP process in light of the United Way's decision to conduct a separate funds distribution process. (2016-27)

This particular Strategic Initiative aligns with the Board's Quality of Life Strategic Priority:

- (Q4) Support and promote access to basic and welfare services to our community members most in need.

Analysis:

Subsequent to the September meeting, County staff has been actively engaged with the City, the UWBB and CHSP agencies to ensure an effective transition occurs with the implementation of a new CHSP processes without the UWBB beginning in FY 19. As a part of this effort, County and City staffs have been deliberate in their outreach to agencies to gain input and ideas on improvements that could be made to the CHSP process for implementation beginning in FY 19. Since October, County and City staffs have conducted seven meetings with CHSP agencies, with an additional meeting planned for August 2017. Staff has also actively participated in separate

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listening sessions hosted by the United Partners for Human Services (UPHS), UWBB and CHSP agencies to identify further opportunities for continued collaboration among the funding entities and agencies.

CHSP FY 17 and FY 18 funding cycle

To ensure a smooth and deliberate transition, for FY 17 and FY 18, the County the City of Tallahassee and the UWBB will follow the traditional CHSP process. The County, City and UWBB continue to work closely in distributing the allocations for the current funding cycle (FY 17) and managing the CHSP Portal. In preparing for the FY 18 funding cycle, the three partners have conducted the agency workshops, recruited members for the Citizens Review Teams (CRTs), and participated in agency presentations and funding deliberations. In September, an agenda item recommending the distribution of the FY 18 allocation will be presented to the Board. This will be the last funding allocation under the existing partnership.

Joint Application/Web Portal

Beginning in FY 18 enhanced data collection through the on-line application and reporting process will commence. Currently, the CHSP agencies complete quarterly reports in a narrative format and scan the reports into the portal as a PDF document. This process does not allow for data analysis. Beginning in FY 18 agencies will submit a new on-line quarterly report. Quarterly reporting of demographic and performance data will be created and saved in the CHSP Portal. Data to be collected includes the number of clients served in each funding category by race, gender, age, disability (if applicable) and zip code. Collecting and analyzing this data in a consistent and uniform format serves as the first step in developing measures for improving program effectiveness, identifying community impact and assisting the CRT's in future funding recommendations. County and City staff are developing a recommended approach on how the data will be used as part of the program review process for inclusion in the MOU. As noted below beginning in FY19, the UWBB will be collecting data separately from the CHSP process. Staff has also been working closely with the CHSP agencies on these changes and specific training for the data entry process will be provided as part of the September 2017 agency contract workshop.

Staff has held meetings with the UWBB to identify ways to continue collaborating to support the human services agencies in our community. Over the past 3 years, the CHSP funding partners have shared an automated application. Beginning in FY 19, the UWBB will utilize a separate automated application and funding review process. In order to ease the process for the agencies, both applications will be accessed through the CHSP portal. The County, City and UWBB have held several meetings with Paul's Consulting, the IT Company that designed and maintains the portal, and discussed options that would accommodate the agencies as well as the United Way and the County/City CHSP. It was determined that due to potential differences in the categories/priorities and public records requirements of local government, a joint application would no longer be feasible. Instead, the County/City and UWBB would share a front page of a shared site where agencies would access either the CHSP or the UWBB application.

Memorandum of Understanding with the United Way of the Big Bend

The UWBB continues to develop its new and separate funding process. Staff is working with UWBB to develop an MOU that would detail the mutual commitment to ensure on-going

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collaboration. Despite the separate application and data collection processes, the MOU will codify continued efforts in data sharing, coordinating resources, and regular communication to identify new opportunities to work together in addressing the human service needs of the community

Multi-year Funding Cycle

For the past several years the CHSP agencies have requested that the CHSP adopt a multi-year funding cycle. A multi-year funding cycle would not only reduce the amount of time agencies have to invest in the application process but would also provide the opportunity for long term planning and program assessment. Predictability of funding would allow the agencies leverage to pursue additional funding sources. Additionally, agencies could respond quicker to changing conditions in the community. A multi-year funding cycle can also increase program efficiency by shifting staff and volunteers' time spent on the annual review process to evaluating program results.

Staff will be bringing a separate agenda item to the Board to consider multi-year funding which could be included in the proposed MOU upon Board approval.

Memorandum of Understanding with the City

Staff continues to work with the City and CHSP agencies to modify and improve the CHSP process through a draft MOU that will reaffirm our mutual commitment to funding CHSP agencies and serve as policy guidelines for the CHSP process beginning FY 19.

The significant elements of the CHSP process to be incorporated in the proposed MOU are:

- *CHSP Oversight and Process Improvement Committee*
 - Lead entity for the implementation of the CHSP process. Comprised of the County's Director of Human Services and Community Partnership and the City's Director of Community Housing and Human Services.
- *Methodology for Funding Allocations by Category/Priority*
 - The CHSP Oversight and Process Improvement Committee, working closely CHSP agencies, citizens review teams, and community organizations will review and evaluate the existing categories and present possible recommendations for changes to the Board as part of future funding cycles.
- *CHSP Appeals Process*
 - Maintain the current practice of set aside funding to address agency disputes of funding recommendations.
- *7.5% Allocation Rule for New CHSP Agencies*
 - Maintain the current practice of limiting maximum funding level for first time programs.

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- *Public Meetings with Agencies*
 - Maintain the practice of a minimum 3 annual public meetings with CHSP agencies; one of which shall include the County Administration and the City Manager
- *Two-Year Funding Cycle*
 - Beginning in FY 19, implement a multi-year funding cycle to increase long term agency planning and improve efficiency in CHSP operations.

Based on the above, staff will continue to work with the City and the UWBB in preparing draft MOU's for the Board's consideration in late summer. Prior to the MOU's being presented to the Board, staff will prepare an agenda item for to consider implementing a multi-year funding cycle.

Options:

1. Accept the status report on the Community Human Services Partnership.
2. Do not accept the status report on the Community Human Services Partnership.
3. Board direction.

Recommendation:

Option #1.

**Leon County
Board of County Commissioners**

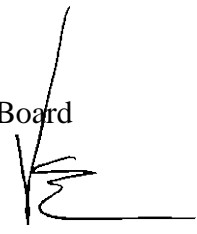
Notes for Agenda Item #7

Leon County Board of County Commissioners

Agenda Item #7

October 10, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Bid Award to Allen's Excavation, Inc. for the Hauling of Shaping and Cover Materials from F. A. Ash Borrow Pit to Solid Waste Landfill Site

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Maggie Theriot, Office of Resource Stewardship, Director Tony Park, P.E., Director of Public Works Charles Wu, P.E., Director of Engineering Services
Lead Staff/ Project Team:	Chris Muehlemann, P.E., Chief of Engineering Design Samuel Ijeoma, P.E., Senior Design Engineer

Statement of Issue:

This agenda item seeks Board approval to award bid to Allen's Excavation, Inc. in the amount of \$1,273,056 for the hauling of 222,200 cubic yards of shaping and cover materials from F. A. Ash Borrow Pit to the Solid Waste Landfill Cell Closure site (Attachment #1).

Fiscal Impact:

This item has a fiscal impact. In anticipation of the Solid Waste Landfill Closure, a Landfill Closure Cost Reserve was established as required by Florida Department of Environmental Protection rules. This item would appropriate \$1,273,056 of this reserve to pay for the first phase of the Solid Waste Landfill Closure.

Staff Recommendation:

- Option #1: Approve the agreement awarding bid to Allen's Excavation, Inc. in the amount of \$1,273,056 for the hauling of shaping and cover materials from F. A. Ash Borrow Pit to the Solid Waste Landfill Cell Closure site (Attachment #1), and authorize the County Administrator to execute.
- Option #2: Approve the Resolution and associated Budget Amendment Request appropriating \$1,273,056 for Phase 1 of the Landfill Closure capital improvement project (Attachment #2).

Report and Discussion

Background:

In July 2015, the Board accepted the status report regarding the closure of the landfill and development of the corresponding long-term master planning of the site for purposes of a regional park. In this report, staff developed a tentative scope and timeline to initiate the closure of the landfill with closure still anticipated in 2020.

Landfill Closure is a highly regulated process overseen by Florida Department of Environmental Protection (FDEP). As such, the solid waste management and engineering consultant, Locklear & Associates, has worked closely with the County's engineering staff in Public Works and the park design consultants to ensure planning, timelines, and cost are streamlined where possible. The closure of the landfill has multiple elements including: modifications to stormwater facilities; hauling and spreading soil to shape four garbage cells totaling 84 acres with soil; adding synthetic liners covering the four cells; adding top soil and establish vegetative growth for stabilization.

In 2015, Locklear prepared a scope of work and estimated expense for construction, quality assurance, and engineering support, as well as a separate scope for closure permit application for final closure through the FDEP. In September 2016, the Invitation to Bid for the Leon County Solid Waste Landfill Closure was advertised to close the Class I, Class III East, West, and South cells. This bid selection process was developed in two steps. Step one was to seek Statements of Qualifications from vendors that wish to perform the Landfill Closure project. Through this qualification-based evaluation process, three contractors were qualified to bid on this project.

On November 28, 2016, FDEP issued a Notice to Permit for the closure of Class I Landfill and the Class III Landfill East, West and South areas.

After three qualified bidders were selected in December 2016, the cost estimate for the landfill closure was updated by Locklear based on the new cost data available from recent landfill closure projects. The updated cost estimate was higher than the available budget. Consequently, staff postponed the price bid submittal and developed the cost saving alternatives as follows:

- Construction and modifications to the existing stormwater management facility using in-house Public Works staff. Construction will be completed by October 2017 - \$313,000 savings.
- Closure of the Class III East and West cells by Solid Waste Management crews and use County soils. Construction of the Class III East and West cells were completed in February and April 2017 - \$600,000 savings.
- Separating the Landfill Closure contract into two phases and using soil from the County's F.A. Ash Borrow Pit as opposed to having a private vendor provide the soil (Estimated completion May 2020) - \$3.6 million savings

In the first phase, a contractor will haul materials from F. A. Ash Borrow Pit to the landfill site. The second phase is to resume the suspended bidding process and request the previous three qualified bidders to submit their price bid. Phase II contractor will handle the Class I and Class III South cell closure operation.

Analysis:

The Invitation to Bid for the Solid Waste Cell Closure, Phase 1 was advertised locally on August 14, 2017 (BC-09-14-17-52). A total of 480 vendors were notified through the automated procurement system. Forty-eight vendors requested bid packages. The County received three bids on September 14, 2017.

The lowest responsive bidder is Allen's Excavation, Inc. for a bid amount of \$1,273,056 (Attachment #3). Adequate funds are available in the Landfill Closure Cost Reserve for this portion of the landfill closure which requires Board approval of a Budget Amendment Request to appropriate the funds (Attachment #2). This reserve was established in compliance with the permit for the Solid Waste Management Facility to cover the long-term closure of the landfill. This is a unit price contract and the contractor will be paid based on the actual quantity used for each individual pay item (Attachment #4).

The Minority, Women and Small Business Enterprise (MWSBE) Division reviewed MWSBE Participation Plans, submitted by the three bidders, and determined that all bidders either met or exceeded the aspirational targets of 17% MBE and 9% WBE targets (Attachment #5).

If this bid award is approved, material hauling operations will begin in November 2017 and end in March 2018. After the completion of Phase 1 (hauling materials), Phase 2 Cell Closure construction will commence in April 2018 through May 2020. The County has historically taken great strides to be sensitive to the surrounding neighborhoods and will continue to do so through the landfill closure process. Staff will communicate with surrounding neighborhoods and key stakeholders the project timelines, expectations related to the closure of the landfill, and any future development of the Park.

On October 24, 2017, the Board will receive a detailed update and presentation on the phased closures and planned park amenities during the Workshop on the Apalachee Regional Park Master Plan and the Associated Landfill Closure.

Options:

1. Approve the agreement awarding bid to Allen's Excavation, Inc. in the amount of \$1,273,056 for the hauling of shaping and cover materials from F. A. Ash Borrow Pit to the Solid Waste Landfill Cell Closure site (Attachment #1), and authorize the County Administrator to execute.
2. Approve the Resolution and associated Budget Amendment Request appropriating \$1,273,056 for Phase 1 of the Landfill Closure capital improvement project (Attachment #2).
3. Do not approve the agreement awarding bid to Allen's Excavation, Inc. in the amount of \$1,273,056 for the hauling of shaping and cover materials from F. A. Ash Borrow Pit to the Solid Waste Landfill Cell Closure site.
4. Do not approve the Resolution and associated Budget Amendment Request appropriating \$1,273,056 for Phase 1 of the Landfill Closure capital improvement project.
5. Board direction.

Recommendation:

Option #1.

Attachments:

1. Draft Agreement with Allen's Excavation, Inc.
2. Resolution and Budget Amendment Request
3. Bid Tabulation Sheet
4. Bid Pricing Sheet
5. MWSBE Analysis

AGREEMENT

THIS AGREEMENT, by and between LEON COUNTY, a charter county and a political subdivision of the State of Florida, hereinafter referred to as the "County" and ALLEN'S EXCAVATION, INC., hereinafter referred to as the "Contractor."

WHEREAS, the County has determined that it would be in the best interest of the citizens of Leon County, Florida, that the County be able to utilize the services of private persons when such services cannot be reasonably provided by the County; and

WHEREAS, the County has determined that it would be better to contract for these services than to hire the necessary personnel to satisfy the needs of the County; and

WHEREAS, in order to secure the lowest cost for these services, the County has sought and received competitive bids from contractor for such services.

NOW, THEREFORE, the parties hereto agree as follows:

1. SERVICES TO BE PROVIDED

The Contractor hereby agrees to provide to the County services related to preparation of landfill closure as set forth in Bid# BC-09-14-17-52, with Addendum #1 and #2 titled: Solid Waste Cell Closure, Phase I, and which is attached hereto and incorporated herein as Exhibit A, to the extent that it is not inconsistent with this Agreement; and 2) the Contractor's bid submission, which is attached hereto and incorporated herein as Exhibit B, to the extent that it is not inconsistent with this Agreement or with Exhibit A.

Please note that there is a limited amount of space for equipment and lay down inside the jail. Tools shall be inventoried daily and background check performed on all successful vendor employees that intend to enter the jail compound.

2. WORK

Any work to be performed shall be upon the written request of the County Administrator or his representative, which request shall set forth the commencing date of such work and the time within which such work shall be completed.

The performance of Leon County of any of its obligations under this Agreement shall be subject to and contingent upon the availability of funds lawfully expendable for the purposes of this Agreement for the current and any future periods provided for within the bid specifications.

3. TIME AND LIQUIDATED DAMAGES

The work to be performed under this contract shall be commenced within fifteen (15) days of the Notice to Proceed. All work to be performed under this Contract shall be completed within one hundred and fifteen (115) consecutive calendar days of the Notice to Proceed. If the work to be performed under this Contract is not completed within the time set forth above, or within such extra time as may be granted by the County, the Contractor shall be deemed to be in default. For each day the Contractor Contractor is in default, the Contractor or its Surety shall pay to the County, not as a penalty, but as liquidated damages an amount set based on the bid price and according to Section 8-10 of the FDOT's Standard Specifications for Road and Bridge Construction, 2010 Edition.

Permitting the Contractor to continue and finish the work or any part of it after the expiration of the contract time allowed, including extensions, if any, shall in no way act as a waiver on the part of County of the liquidated damages due under the contract.

4. CONTRACT SUM

The Contractor agrees that for the performance of the Services as outlined in Section 1 above, it shall be remunerated by the County according to the unit prices contained in the Contractor's bid proposal, Exhibit B, which is attached hereto.

5. PAYMENTS

The County shall make such payments within forty-five (45) days of submission and approval of invoice for services. The form of payment for this Contract may be through a County-issued purchase order and a check upon receipt and approval of invoices, or through a government credit card.

6. PROMPT PAYMENT INFORMATION REQUIREMENTS

A. The County Project Manager is:

Name: Sam Ijeoma
Street Address: 2280 Miccosukee Road
City, State, Zip Code: TALLAHASSEE, FL 32308
Telephone: 850-606-1563
E-mail: ijeomas@LEONCOUNTYFL.GOV

B. The Contractor's Project Manager is:

Name:
Street Address:
City, State, Zip Code:
Telephone:
E-mail:

C. Proper form for a payment request for this contract is:

A numbered invoice document with date of invoice; reference of the County purchase order number; itemized listing of all goods and services being billed with unit prices and extended pricing; vendor's name, address, billing contact person information, and Federal tax identification number. The invoice must be properly addressed to the Division listed on the County purchase order and delivered to that address. Delivery to another County address will void the invoice.

D. Payment Dispute Resolution: Section 14.1 of the Leon County Purchasing and Minority, Women and Small Business Enterprise Policy details the policy and procedures for payment disputes under the contract.

7. STATUS

The contractor at all times relevant to this Agreement shall be an independent contractor and in no event shall the Contractor nor any employees or sub-contractors under it be considered to be employees of Leon County.

8. INSURANCE

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contractor's bid.

A. Minimum Limits of Insurance. Contractor shall maintain limits no less than:

1. General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage. (Non-owned, Hired Car).
3. Workers' Compensation and Employers Liability: Insurance covering all employees meeting Statutory Limits in compliance with the applicable state and federal laws and Employer's Liability with a limit of \$500,000 per accident, \$500,000 disease policy limit, \$500,000 disease each employee. Waiver of Subrogation in lieu of Additional Insured is required.

B. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

C. Other Insurance Provisions The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability Coverages (County is to be named as Additional Insured).
 - a. The County, its officers, officials, employees and volunteers are to be covered as insureds as respects; liability arising out of activities performed by or on behalf of the Contractor, including the insured's general supervision of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protections afforded the County, its officers, officials, employees or volunteers.
 - b. The Contractor's insurance coverage shall be primary insurance as respects the County, its officers, officials, employees and volunteers. Any insurance of self-insurance maintained by the County, its officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
 - c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the county, its officers, officials, employees or volunteers.
 - d. The Contractor's insurance shall apply separately to each insured against whom claims is made or suit is brought, except with respect to the limits of the insurer's liability.
2. All Coverages
Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the County.

D. Acceptability of Insurers. Insurance is to be placed with insurers with a Best's rating of no less than A:VII.

- E. Verification of Coverage. Contractor shall furnish the County with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by the County before work commences. The County reserves the right to require complete, certified copies of all required insurance policies at any time.
- F. Subcontractors. Contractors shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

9. PERMITS

The Contractor shall pay for all necessary permits as required by law.

10. LICENSES

The Contractor shall be responsible for obtaining and maintaining his city or county occupational license and any licenses required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida. Should the Contractor, by reason of revocation, failure to renew, or any other reason, fail to maintain his license to operate, the contractor shall be in default as of the date such license is lost.

11. ASSIGNMENTS

This Agreement shall not be assigned or sublet as a whole or in part without the written consent of the County nor shall the contractor assign any monies due or to become due to him hereunder without the previous written consent of the County.

12. PAYMENT PAYMENT AND PERFORMANCE BOND - PAYABLE IN TALLAHASSEE

A Payment and Performance Bond in the amount of 100% of the estimated project cost shall be supplied by the Contractor at the time of Agreement execution. Also, a Payment and Material Bond for the Agreement amount shall be supplied by the Contractor at the same time.

Payment and Performance and Material Bonds shall provide that, in the event of non-performance on the part of the Contractor the bond can be presented for honor and acceptance at an authorized representative or institution located in Tallahassee, Florida. The Payment and Performance Bond shall be in the following form:

PUBLIC CONSTRUCTION BOND
Bond No.(enter bond number)

BY THIS BOND, We _____, as Principal and _____ a corporation, as Surety, are bound to _____, herein called Owner, in the sum of \$ _____, for payment of which we bind ourselves, our heirs, personal representatives, successors, and assigns, jointly and severally.

THE CONDITION OF THIS BOND is that if Principal:

1. Performs the contract dated _____, between Principal and Owner for construction of _____, the contract being made a party of this bond by reference, at the time and in the manner prescribed in the contract; and
2. Promptly makes payments to all claimants, as defined in Section 255.05(1), Florida Statutes, supplying Principal with labor, materials, or supplies, used directly or indirectly by Principal in the prosecution of the work provided for in the contract; and

3. Pays Owner all losses, damages, expenses, costs, and attorney's fees, including appellate proceedings, that Owner sustains because of a default by Principal under the contract; and
4. Performs the guarantee of all work and materials furnished under the contract for the time specified in the contract, then this bond is void; otherwise it remains in full force.

Any action instituted by a claimant under this bond for payment must be in accordance with the notice and time limitation provisions in Section 255.05(2), Florida Statutes.

Any changes in or under the contract documents and compliance or noncompliance with any formalities connected with the contract or the changes does not affect Surety's obligation under this bond.

DATED on this the day of , 20__.

(Name of Principal)

By:
(As Attorney-In-Fact)

(Name of Surety)

Payment bonds executed as a result of the requirements herein by a surety shall make reference to Section 255.05, Florida Statutes, by number and shall contain reference to the notice and time limitation provisions in Section 255.05, Florida Statutes.

13. INDEMNIFICATION

The Contractor agrees to indemnify and hold harmless the County, its officials, officers and employees, from and against any and all liabilities, damages, losses and costs, including, but not limited to reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the Contractor and persons employed or utilized by the Contractor in the performance of this agreement.

The County may, at its sole option, defend itself or required the Contractor to provide the defense. The Contractor acknowledges that the sum of ten dollars (\$10.00) of the amount paid to the Contractor constitutes sufficient consideration for the Contractor's indemnification of the County, its officials, officers and employees.

It is understood that the Contractors responsibility to indemnify and defend the County, it officials, officers and employees is limited to the Contractors proportionate share of liability caused by the negligent acts or omissions of the Contractor, its delegates, agents or employees.

14. AUDITS, RECORDS, AND RECORDS RETENTION

The Contractor agrees:

- a. To establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices, which sufficiently and properly reflect all revenues and expenditures of funds provided by the County under this Agreement.
- b. To retain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this Agreement for a period of five (5) years after termination of the Agreement, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit

findings or any litigation which may be based on the terms of this Agreement.

- c. Upon completion or termination of the Agreement and at the request of the County, the Contractor will cooperate with the County to facilitate the duplication and transfer of any said records or documents during the required retention period as specified in paragraph 1 above.
- d. To assure that these records shall be subject at all reasonable times to inspection, review, or audit by Federal, state, or other personnel duly authorized by the County.
- e. Persons duly authorized by the County and Federal auditors, pursuant to 45 CFR, Part 92.36(l)(10), shall have full access to and the right to examine any of provider's Agreement and related records and documents, regardless of the form in which kept, at all reasonable times for as long as records are retained.
- f. To include these aforementioned audit and record keeping requirements in all approved subcontracts and assignments.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

**LEON COUNTY PURCHASING DIVISION
ATTN: SHELLY KELLEY, PURCHASING DIRECTOR
1800-3 N. BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32308
PHONE: 850-606-1600
EMAIL: KELLEYS@LEONCOUNTYFL.GOV**

15. MONITORING

To permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and services of the provider which are relevant to this Agreement, and interview any clients and employees of the provider to assure the County of satisfactory performance of the terms and conditions of this Agreement.

Following such evaluation, the County will deliver to the provider a written report of its findings and will include written recommendations with regard to the provider's performance of the terms and conditions of this Agreement. The provider will correct all noted deficiencies identified by the County within the specified period of time set forth in the recommendations. The provider's failure to correct noted deficiencies may, at the sole and exclusive discretion of the County, result in any one or any combination of the following: (1) the provider being deemed in breach or default of this Agreement; (2) the withholding of payments to the provider by the County; and (3) the termination of this Agreement for cause.

16. TERMINATION

Leon County may terminate this Agreement without cause, by giving the Contractor thirty (30) days written notice of termination. Either party may terminate this Agreement for cause by giving the other party hereto thirty (30) days written notice of termination. The County shall not be required to give Contractor such thirty (30) day written notice if, in the opinion of the County, the Contractor is unable to perform its obligations hereunder, or if in the County's opinion, the services being provided are not satisfactory. In such case, the County may immediately terminate the Agreement by mailing a notice of termination to the Contractor.

17. PUBLIC ENTITY CRIMES STATEMENT

In accordance with Section 287.133, Florida Statutes, Contractor hereby certifies that to the best of his knowledge and belief neither Contractor nor his affiliates has been convicted of a public entity crime. Contractor and his affiliates shall provide the County with a completed public entity crime statement form no later than January 15 of each year this Agreement is in effect. Violation of this section by the Contractor shall be grounds for cancellation of this Agreement by Leon County.

18. UNAUTHORIZED ALIEN(S)

The Contractor agrees that unauthorized aliens shall not be employed nor utilized in the performance of the requirements of this solicitation. The County shall consider the employment or utilization of unauthorized aliens a violation of Section 274A(e) of the Immigration and Naturalization Act (8 U.S.C. 1324a). Such violation shall be cause for unilateral termination of this Agreement by the County.

19. NON-WAIVER

Failure by the County to enforce or insist upon compliance with any of the terms or conditions of this Agreement or failure to give notice or declare this Agreement terminated shall not constitute a general waiver or relinquishment of the same, or of any other terms, conditions or acts; but the same shall be and remain at all times in full force and effect.

20. DELAY

No claim for damages or any claim other than for an extension of time shall be made or asserted against the County by reason of any delays. The Contractor shall not be entitled to an increase in the contract sum or payment or compensation of any kind from the County for direct, indirect, consequential, impact or other costs, expenses or damages, including but limited to costs of acceleration or inefficiency, arising because of delay, disruption, interference or hindrance from any cause whatsoever, whether such delay, disruption, interference or hindrance be reasonable or unreasonable, foreseeable or unforeseeable, or avoidable or unavoidable; provided, however, that this provision shall not preclude recovery of damages by the Contractor for hindrances or delays due solely to fraud, bad faith, or active interference on the part of the County or its agents. Otherwise, the Contractor shall be entitled only to extensions of the contract time as the sole and exclusive remedy for such resulting delay, in accordance with and to the extent specifically provided above.

21. REVISIONS

In any case where, in fulfilling the requirements of this Agreement or of any guarantee, embraced in or required thereby it is necessary for the Contractor to deviate from the requirements of the bid, Contractor shall obtain the prior written consent of the County.

22. VENUE

Venue for all actions arising under this Agreement shall lie in Leon County, Florida.

23. CONSTRUCTION

The validity, construction, and effect of this Agreement shall be governed by the laws of the State of Florida.

24. CONFLICTING TERMS AND CONDITIONS

In the instance that any other agreement exists concerning the matters herein, then the terms and conditions in this Agreement shall prevail over all other terms and conditions.

ORDER OF PRECEDENCE

1. Agreement
2. Solicitation Document
3. Vendor Response

ATTACHMENTS

Exhibit A - Solicitation
Exhibit B - Vendor response

Remainder of page left blank intentionally

DRAFT

WHERETO, the parties have set their hands and seals effective the date whereon the last party executes this Agreement.

LEON COUNTY, FLORIDA

By: _____
Vincent S. Long
County Administrator

Date: _____

ATTEST:
Gwendolyn Marshall, Clerk of the Circuit Court &
Comptroller
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esquire
County Attorney

ALLEN'S EXCAVATION, INC.

By: _____
President or designee

Printed name

Title: _____

Date: _____

Bid Title: Solid Waste Cell Closure, Phase I
Bid No: BC-09-14-17-52
Opening Date: September 14, 2017 @ 2:00 PM
Location: 1800-3 N. Blair Stone Road, Tallahassee, Florida 32308

I. INSTRUCTION TO BIDDERS

To Insure Acceptance of Your Bid, Please Follow These Instructions:

1. Items listed on the bid checklist in this form and all other items required within this invitation to bid must be executed and/or submitted in a sealed envelope. Address your sealed envelope as follows:

Bid No. _____
Board of County
Commissioners Leon County
Purchasing Division
1800-3 N. Blair Stone Road
Tallahassee, Florida 32308

2. Bid must be typed or printed in ink. All corrections made by the bidder prior to the opening must be initialed and dated by the bidder. No changes or corrections will be allowed after bids are opened.
3. Bid must contain an original, manual signature of an authorized representative of the company.
4. The bid opening shall be public on the date and time specified on the bid. It is the bidder's responsibility to assure that the bid is delivered at the proper time and location. Bids which are received after the bid opening time will be returned unopened to the bidder.
5. Bidders are expected to examine the specifications, delivery schedule, bid prices and extensions and all general and special conditions of the bid prior to submission. In case of error in price extension, the unit price will govern.
6. Special Accommodation: Any person requiring a special accommodation at a Pre-Bid Conference or Bid opening because of a disability should call the Division of Purchasing at (850) 606-1600 at least five (5) workdays prior to the Pre-Bid Conference or Bid opening. If you are hearing or speech impaired, please contact the Purchasing Division by calling the County Administrator's Office using the Florida Relay Service which can be reached at 1(800) 955-8771 (TDD).

NOTE: ANY AND ALL CONDITIONS OR REQUIREMENTS ATTACHED HERETO WHICH VARY FROM THE INSTRUCTIONS TO BIDDERS WILL BE PRECEDENT.

PURPOSE:

The scope of work includes transporting 220,425 cubic yards of shaping material from the F. A. Ash Borrow Pit (County Borrow Pit) located at 10600 F A Ash Way, Tallahassee, Florida to the Leon County Solid Waste Landfill Closure site located at 7550 Apalachee Parkway, Tallahassee, Florida. Shaping materials are property of and supplied by Leon County.

The excavation of the materials from F. A. Ash Borrow Pit, stock piling the materials at the Landfill closure site, erosion control, temporary fencing, keeping the entry/exit areas debris free, tree barriers, safety fence, and any other materials necessary to complete the movement are included in the scope of work.

SCHEDULE OF EVENTS

Below in Table 1 is the current schedule of the events that will take place as part of this solicitation. The County reserves the right to make changes or alterations to the schedule as the County determines is in the best interests of the public. If any changes to the Schedule of Events are made, the County will post the changes on the County website either as a public meeting notice, or as an addendum, as applicable. **It is the responsibility of Registered Planholders and other interested persons and parties to review the Purchasing Division's website to stay informed of the Schedule of Events, addenda issued, and public meetings scheduled.** The website address is: <http://www.leoncountyfl.gov/procurementconnect/>.

Table 1 - Schedule of Events	
Date and Time (all eastern time)	Event
August 14, 2017	Release of the ITB
August 30, 2017 at 10:00 a.m.	MANDATORY PRE-BID MEETING: Date and time a mandatory pre-bid meeting will be held at Leon County Purchasing's offices, located at 1800-3 North Blair Stone Road, Tallahassee, FL 32308.
Not later than: September 5, 2017 at 5:00 p.m.	QUESTIONS/INQUIRIES DEADLINE: Date and time by which questions and inquiries regarding the ITB must be received by Leon County.
Not later than: September 14, 2017 at 2:00 p.m.	BID SUBMISSION DUE DATE/OPENING OF TECHNICAL RESPONSE: Date and time by which Bid Submissions must be received by the Leon County Purchasing Division, located at 1800-3 North Blair Stone Road, Tallahassee, FL

BID INFORMATION AND CLARIFICATION:

Questions pertaining to bid procedures or regarding the specifications should be addressed to Shelly Kelley and Don Tobin, phone (850) 606-1600; fax (850) 606-1601; E-mail and tobind@leoncountyfl.gov. **Bidders are requested to send such requests to both representatives of the Purchasing Division.** Email inquiries are preferred.

Each Bidder shall examine the solicitation documents carefully; and, no later than the last day for questions listed in schedule of events, he shall make a written request to the County for interpretations or corrections of any ambiguity, inconsistency or error which he may discover. All interpretations or corrections will be issued as addenda. The County will not be responsible for oral clarifications. No negotiations, decisions or actions shall be initiated or executed by the proposer as a result of any discussions with any County employee prior to the opening of proposals. Only those communications which are in writing from the County may be considered as a duly authorized expression on the behalf

of the Board. Also, only communications from firms which are in writing and signed will be recognized by the Board as duly authorized expressions on behalf of proposers.

ADDENDA TO SPECIFICATIONS

If any addenda are issued after the initial specifications are released, the County will post the addenda on the Leon County website at: <http://www.leoncountyfl.gov/procurementconnect/>. For those projects with separate plans, blueprints, or other materials that cannot be accessed through the internet, the Purchasing Division will make a good faith effort to ensure that all registered bidders (those who have been registered as receiving a bid package) receive the documents. It is the responsibility of the bidder prior to submission of any bid to check the above website or contact the Leon County Purchasing Division at (850) 606-1600 to verify any addenda issued. The receipt of all addenda must be acknowledged on the bid response sheet.

PROHIBITED COMMUNICATIONS

Any Form of communication, except for written correspondence with the Purchasing Division requesting clarification or asking questions, shall be prohibited regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:

1. Any person or person's representative seeking an award from such competitive solicitation; and
2. Any County Commissioner or Commissioner's staff, or any county employee authorized to act on behalf of the Commission to award a particular contract.

For the purpose of this section, a person's representative shall include, but not be limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

The prohibited communication shall be in effect as of the release of the competitive solicitation and terminate at the time the Board, or a County department authorized to act on behalf of the Board, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.

The provisions of this section shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meetings, presentations made to the Board, and protest hearings. Further, the provisions of this section shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence with any employee, County Commissioner, or decision-making board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.

The penalties for an intentional violation of this article shall be those specified in 125.69(1), Florida Statutes, as amended, and shall be deemed supplemental to the penalties set forth in Section 1-9 of the Code of Laws, Leon County, Florida.

REGISTRATION:

Bidders which obtain solicitation documents from sources other than the County Purchasing Division MUST officially register with the County Purchasing Division in order to be placed on the planholders list for the solicitation. Bidders should be aware that solicitation documents obtained from sources other than those listed above may be drafts, incomplete, or in some other fashion different from the official solicitation document(s). Failure to register through the Purchasing Division (<http://www.leoncountyfl.gov/Procurementconnect>) may cause your submittal to be rejected as non-responsive.

PREPARATION AND SUBMISSION OF BID:

Each Bidder shall submit Bid Prices and other requested information, including alternates or substitutions if allowed by this invitation to bid, on the proper forms and in the manner herein prescribed. Any erasures or other corrections in the Bid must be explained or noted over the signature of the Bidder. Bids containing any conditions or

irregularities of any kind may be rejected by the County. All bids must be submitted in a sealed envelope or other appropriate container. Facsimiles will not be accepted. It is the intention of the County to award this bid based on the low total bid price and/or other criteria herein contained meeting all specifications.

REJECTION OF BIDS:

The County reserves the right to reject any and/or all bids when such rejection is in the best interest of the County.

RECEIPT AND OPENING OF BIDS:

Bids will be opened publicly at the time and place stated in the Invitation to Bid. The person whose duty it is to open them will decide when the specified time has arrived and no bids received thereafter will not be considered. No responsibility shall be attached to any person for the premature opening of a Bid not properly addressed and identified. At the time fixed for the opening of bids, the bids will be made public and posted on the Purchasing Division website at: <http://www.leoncountyfl.gov/procurementconnect>. A bidder may request, in their bid submittal, a copy of the tabulation sheet to be mailed in a bidder provided, stamped self-addressed envelope for their record.

Sealed bids, proposals, or replies received by the County pursuant to a competitive solicitation are exempt from public records requirements until such time as the County posts an intended decision or until 30 days after opening of the documents, whichever is earlier.

WITHDRAWAL OF BIDS:

Bids may be withdrawn by written or telegraphic request received from Bidders prior to the time fixed for opening. Negligence on the part of the Bidder in preparing the Bid confers no right for the withdrawal of the bid after it has been opened.

AWARD OF BIDS/BID PROTEST:

The bid will be awarded to the lowest responsive, responsible bidder, unless otherwise stated elsewhere in this document. The County reserves the right to waive any informality in bids and to award a bid in whole or in part when either or both conditions are in the best interest of Leon County.

Notice of the Intended Decision will be posted on the County website at: <http://www.leoncountyfl.gov/Procurementconnect> for a period of seventy-two (72) consecutive hours, which does not include weekends or County observed holidays. Failure to file a protest within the time prescribed in Leon County Policy No. 96-1, Purchasing and Minority, Women and Small Business Enterprise Policy, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings. Notice of intent of bid protest shall be made in writing to the Purchasing Director, 1800-3 N. Blair Stone Road, Tallahassee, Florida 32308. The bidder shall be responsible for inquiring as to any and all award recommendation/postings.

Should concerns or discrepancies arise during the bid process, bidders are encouraged to contact the Purchasing Division prior to the scheduled bid opening. Such matters will be addressed and/or remedied prior to a bid opening or award whenever practically possible. Bidders are not to contact departments or divisions regarding the bidder complaint.

PLANHOLDERS

As a convenience to bidders, the County has made available via the internet lists of all registered planholders for each bid or request for proposals. The information is available on-line at: <http://www.leoncountyfl.gov/procurementconnect> by simply clicking the planholder link on the bottom left of the advertisement of the respective solicitation. A listing of the registered bidders with their telephone numbers and email address is designed to assist bidders in preparation of their responses.

BID GUARANTEE:

Bids shall be accompanied by a 5% bid guarantee which shall be a Bid Bond, Certified or Cashier's Check or Bank Draft (no cash, company, or personal checks will be accepted), made payable to the Board of County Commissioners, Leon County, Florida. Such check, bank draft, or bond shall be submitted with the understanding that the bonds will be held until award of bid.

The County reserves the right to hold the Bid Guarantee until after a contract has been entered into or a purchase order has been executed. The accepted Bidders bid bond will be held until execution of this contract and may be forfeited due to non- performance.

The check or bond shall be submitted with the understanding that it shall guarantee that the Bidder will not withdraw his bid for a period of 90 days after the scheduled closing time for the receipt of bids. It shall also guarantee that the successful bidder will enter into a contract within ten (10) days after he has received notice of acceptance of his bid. In the event of withdrawal of bid, or failure to enter into and fully execute the contract within ten (10) days the contractor may be deemed in to be in default. In such an event, the contractor shall be liable to the County for the full amount of the default.

OCCUPATIONAL LICENSES AND REGISTRATIONS:

The contractor shall be responsible for obtaining and maintaining throughout the contract period any required occupational license and other licenses required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida. The bidder shall submit with the bid a copy of the company's local business or occupational license(s) or a written statement on letterhead indicating the reason no license exists.

If the bidder is operating under a fictitious name as defined in Section 865.09, Florida Statutes, proof of current registration with the Florida Secretary of State shall be submitted with the bid. A business formed by an attorney actively licensed to practice law in this state, by a person actively licensed by the Department of Business and Professional Regulation or the Department of Health for the purpose of practicing his or her licensed profession, or by any corporation, partnership, or other commercial entity that is actively organized or registered with the Department of State shall submit a copy of the current licensing from the appropriate agency and/or proof of current active status with the Division of Corporations of the State of Florida or such other state as applicable.

Failure to provide the above required documentation may result in the bid being determined as non-responsive.

UNAUTHORIZED ALIEN(S)

The Contractor agrees that unauthorized aliens shall not be employed nor utilized in the performance of the requirements of this solicitation. The County shall consider the employment or utilization of unauthorized aliens a violation of Section 274A(e) of the Immigration and Naturalization Act (8 U.S.C. 1324a). Such violation shall be cause for unilateral termination of this Agreement by the County. As part of the response to this solicitation, please complete and submit the attached form AFFIDAVIT CERTIFICATION IMMIGRATION LAWS.

MINORITY and WOMEN BUSINESS ENTERPRISE AND EQUAL OPPORTUNITY POLICIES

A. Minority Business Enterprise (MBE) and Women (WBE) Business Enterprise Requirements

1. The purpose of the Minority and Women-Owned Business Enterprise (MWBE) Program is to effectively communicate Leon County procurement and contracting opportunities, through enhanced business relationships, to end disparity and to increase participation opportunities for certified minority and women- owned business enterprises in a competitive environment. This program shall:
 - a. Eliminate any policies and/or procedural barriers that inhibit MBE and WBE participation in our procurement process.

- b. Established targets designed to increase MBE and WBE utilization proportionate to documented under utilization.
 - c. Provide increased levels of information and assistance available to MBE-s and WBEs.
 - d. Implement mechanisms and procedures for monitoring MBE and WBE compliance by prime contractors.
2. The term Certified Minority Women Business Enterprise (MWBE) is defined as Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) firms certified by Leon County or the City of Tallahassee. Some firms with MBE or WBE certification by the State of Florida may be accepted under a reciprocal agreement but those from other governmental organizations are not accepted by Leon County.
3. Each Proposer is strongly encouraged to secure MBE and WBE participation through purchase(s) of those goods or services to be provided by others. Proposers responding to this solicitation are hereby made aware of the County's targets for MBE and WBE utilization. Proposers that require assistance or guidance with these MBE, WBE, SBE, and DBE requirements should contact:

Darryl Jones, Deputy Director for the Tallahassee/Leon County Office of Economic Vitality by telephone (850) 300-7567 or by email DJones@oevforbusiness.org

Alternates:

LaTanya Raffington, MWSBE Coordinator by email at lraffington@oevforbusiness.org

Shanea Wilks, MWSBE Coordinator by email at swilks@oevforbusiness.org

Respondent **must complete** and submit the attached Minority and Women Business Enterprise Participation Plan form. Failure to submit the completed Minority and Women Business Enterprise Participation Plan form may result in a determination of non-responsiveness for the bid.

If the aspirational target is not met, you must denote your good faith effort on the Participation Plan Form. All respondents, including MBE's, and WBE's shall either meet the aspirational target(s), or if not met, demonstrate in their bid response that a good faith effort was made to meet the aspirational target(s). Failure to complete such good faith effort statement may result in the bid being non-responsive. Below, are policy examples of good faith efforts that respondents can use if they are not meeting the aspirational target. These examples can be used to demonstrate the good faith effort.

- a. Advertised for participation by M/WBEs in non-minority and minority publications within the Market area, including a copy of the advertisement and proof of the date(s) it appeared B or by sending correspondence, no less than ten (10) days prior to the submission deadline, to all M/WBEs referred to the respondent by the MWSBE Division for the goods and services to be subcontracted and/or supplied
 - b. Documented that the bidding Prime Contractor provided ample time for potential MBE and/or WBE subcontractors to respond to bid opportunities, including a chart outlining the schedule/time frame used to obtain bids from MBE and WBE Vendors as applicable to the aspirational Target.
 - c. Contacted the MWSBE Division for a listing of available M/WBEs who provide the services needed for the bid or proposal.
 - d. Contacted MBEs and/or WBEs who provide the services needed for the bid or proposal.
 - e. Documented follow-up telephone calls with potential M/WBE subcontractors seeking

participation.

- f. Allowed potential M/WBE Subcontractors to review bid specifications, blueprints and all other Bid/RFP related items at no charge to the M/WBEs.
- g. Contacted the MWSBE Division, no less than five (5) business days prior to the Bid/RFP deadline, regarding problems the with respondent is having in achieving and/or reaching the aspirational targets.
- h. Other documentation indicating their Good Faith Efforts to meet the aspirational targets. Please provide details below.

For goods and/or services to be performed in this project, the following are the aspirational targets for participation by certified MBE's and/or WBE's.

Construction Sub-Contractor Targets: Minority Business Enterprise - 17% Woman
 Business Enterprise - 9%

5. Definitions for the above targets follow:

- a. Minority/Women Business Enterprise (MWBE) - a business that is owned and controlled by at least 51% by one or more minority persons or by at least 51% by one or more women, and whose management and daily operations are controlled by one or more such persons shall constitute a Minority/Women business Enterprise. No business owned or controlled by a white female shall be considered a minority business for the purpose of this program if the ownership was brought about by transfer of ownership interest to the woman or women, other than by decent, within two (2) years following the sale or transfer of ownership. For the purpose of this program, all applicants for certification as a bona fide MWBE shall be an independent business entity which provides a commercially useful function. No business owned and controlled by a white male and transferred or sold to a minority or woman/women, for the purpose of participation in the County-s MWBE Program, shall be considered eligible for MWBE Certification.
- b. Minority Person - an individual who is a citizen of the United States or a lawfully admitted permanent resident and who is a(n):
 - 1) African/Black Americans - All persons having origins in any of the Black African racial groups not of Hispanic origins and having community identification as such.
 - 2) Hispanic Americans - All persons (Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race) reared in a Hispanic environment and whose surname is Hispanic and having community identification as such.
 - 3) Asian American - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands and having community identification as such.
 - 4) American Indians, Alaskan Natives and American Aleuts - All persons having origins in any of the original people of North America, maintaining identifiable tribal affiliations through membership and participation and having community identification as such.
- c. Women - American Woman

6. Prime contractors will negotiate in good faith with interested MWBE-s, not rejecting a MWBE as unqualified or unacceptable without sound business reasons based on a through investigation of their capabilities. **The basis for rejecting any MWBE deemed unqualified or unacceptable by the Prime Contractor shall be included in the Good Faith Effort documentation.** The Prime Contractor shall not impose unrealistic conditions of performance on MWSBE's seeking subcontracting opportunities.
7. Leon County reserves the right to request supporting documentation as evidence of good faith efforts indicated above at any time. Failure to provide supporting documentation when requested shall deem your bid/proposal as non-responsive.

B. Equal Opportunity/Affirmative Action Requirements

The contractors and all subcontractors shall agree to a commitment to the principles and practices of equal opportunity in employment and to comply with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination based on race, color, religion, national region, sex, age, handicap, marital status, and political affiliation or belief.

For federally funded projects, in addition to the above, the contractor shall agree to comply with Executive Order 11246, as amended, and to comply with specific affirmative action obligations contained therein.

In addition to completing the Equal Opportunity Statement, the Respondent shall include a copy of any affirmative action or equal opportunity policies in effect at the time of submission.

LOCAL PREFERENCE IN PURCHASING AND CONTRACTING

1. Preference in bidding. In purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements to real property or existing structures in which pricing is the major consideration, the authorized purchasing authority of Leon County may give a preference to local businesses in making such purchase or awarding such contract, as follows:
 - a) Individuals or firms which have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a local business as set forth in this article, shall be given a preference in the amount of five percent of the bid price.
 - b) Individuals or firms which do not have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a local business as set forth in this article, shall be given a preference in the amount of three percent of the bid price.

The maximum cost differential shall not exceed \$20,000.00. Total bid price shall include the base bid and all alternatives or options to the base bids which are part of the bid and being recommended for award by the appropriate authority.

2. Preference in bidding for construction services in projects estimated to exceed \$250,000. Except where otherwise prohibited by federal or state law or other funding source restrictions, in the purchasing of, or letting of contracts for procurement of construction services for improvements to real property or existing structures that are estimated to exceed \$250,000 in value, the County may give preference to local businesses in the following manner:
 - a) Under a competitive bid solicitation, when the lowest responsive and responsible bid is submitted by an individual or firm that is not a local business, then the local business that submitted the lowest responsive and responsible bid shall be offered the opportunity to perform the work at the lowest bid amount, if that local business's bid was not greater than 110% of the lowest responsive and responsible bid amount.

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- b) All contractual awards issued in accordance with the provisions of this subsection (paragraph 2) shall contain aspirational trade contractor work targets, based on market and economic factors, of 85 percent as follows: The successful individuals or firms shall agree to engage not less than 85 percent of the dollar value of trade contractor work with local businesses unless the successful individuals or firms prove to the County's satisfaction, that the trade contractor work is not available locally with the Leon, Gadsden, Wakulla or Jefferson County area. The term "trade contractor" shall mean a subcontractor who contracts with the prime contractor and whose primary activity is performing specific activities (e.g., pouring concrete, masonry, site preparation, framing, carpentry, dry wall installation, electrical, plumbing, painting) in a construction project but is not responsible for the entire project.
3. Local business definition. For purposes of this section, "local business" shall mean a business which:
- a) Has had a fixed office or distribution point located in and having a street address within Leon, Gadsden, Wakulla, or Jefferson County for at least six (6) months immediately prior to the issuance of the request for competitive bids or request for proposals by the County; and
 - b) Holds any business license required by the County, and, if applicable, the City of Tallahassee; and
 - c) Is the principal offeror who is a single offeror; a business which is the prime contractor and not a subcontractor; or a partner or joint venturer submitting an offer in conjunction with other businesses.
3. Certification. Any bidder claiming to be a local business as defined, shall so certify in writing to the Purchasing Division. The certification shall provide all necessary information to meet the requirements of above. The Local Vendor Certification Form is enclosed. The purchasing agent shall not be required to verify the accuracy of any such certifications, and shall have the sole discretion to determine if a bidder meets the definition of a "local business."

INSURANCE:

Bidders: attention is directed to the insurance requirements below. Bidders should confer with their respective insurance carriers or brokers to determine in advance of bid submission the availability of insurance certificates and endorsements as prescribed and provided herein. The Insurance Certification Form attached hereto is to be completed and submitted as part of your bid response. If an apparent low bidder fails to comply strictly with the insurance requirements, that bidder may be disqualified from award of the contract.

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contractor's bid.

1. Minimum Limits of Insurance. Contractor shall maintain limits no less than:
- a. General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
 - b. Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage. (Non-owned, Hired Car).
 - c. Workers Compensation and Employers Liability: Workers' Compensation insurance covering all employees and meeting statutory requirements in compliance with the applicable state and federal laws and Employer's Liability with a limit of \$500,000 per accident, \$500,000 disease policy limit, \$500,000 disease each employee. Waiver of Subrogation in lieu of Additional Insured is required.

2. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

3. Other Insurance Provisions The policies are to contain, or be endorsed to contain, the following provisions:

a. General Liability and Automobile Liability Coverages (County is to be named as Additional Insured).

1. The County, its officers, officials, employees and volunteers are to be covered as insureds as respects; liability arising out of activities performed by or on behalf of the Contractor, including the insured's general supervision of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protections afforded the County, its officers, officials, employees or volunteers.
2. The Contractor's insurance coverage shall be primary insurance as respects the County, its officers, officials, employees and volunteers. Any insurance of self-insurance maintained by the County, its officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
3. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the county, its officers, officials, employees or volunteers.
4. The Contractor's insurance shall apply separately to each insured against whom claims is made or suit is brought, except with respect to the limits of the insurer's liability.

b. All Coverages

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the County.

4. Acceptability of Insurers. Insurance is to be placed with insurers with a Best's rating of no less than A:VII.
5. Verification of Coverage. Contractor shall furnish the County with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by the County before work commences. The County reserves the right to require complete, certified copies of all required insurance policies at any time. Certificates of Insurance acceptable to the County shall be filed with the County prior to the commencement of the work. These policies described above, and any certificates shall specifically name the County as an additional Insured and shall contain a provision that coverage afforded under the policies will not be canceled until at least thirty (30) days prior to written notice has been given to the County.

Cancellation clauses for each policy should read as follows: *Should any of the above described policies be canceled before the expiration date thereof, the issuing company will mail thirty (30) days written notice to the Certificate Holder named herein.*

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6. Subcontractors. Contractors shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

AGREEMENT:

After the bid award, the County will, at its option, prepare a purchase order or an agreement specifying the terms and conditions resulting from the award of this bid. Every procurement of contractual services shall be evidenced by a written agreement. The bidder will have five calendar days after receipt to acknowledge the purchase order or execute the agreement.

The performance of Leon County of any of its obligations under the purchase order or agreement shall be subject to and contingent upon the availability of funds lawfully expendable for the purposes of the purchase order or agreement for the current and any future periods provided for within the bid specifications.

PUBLIC ENTITY CRIMES STATEMENT:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. By submission of a proposal in response to this document, the vendor certifies compliance with the above requirements as stated in Section 287.133, Florida Statutes.

MANUFACTURERS' NAME AND APPROVED EQUIVALENTS:

Manufacturers' names, trade names, brand names, information and/or catalog numbers listed in a specification are for information and not intended to limit competition. The bidder may offer any brand for which he is an authorized representative, which meets or exceeds the specifications for any item(s). If bids are based on equivalent products, indicate on the bid form the manufacturer's name and catalog number. Bidder shall submit with his bid, cuts, sketches, and descriptive literature and/or specifications. The bidder should also explain in detail the reason(s) why and submit proof that the proposed equivalent will meet the specifications and not be considered an exception thereto. The Leon County Board of County Commissioners reserves the right to be the sole judge of what is equal and acceptable. Bids which do not comply with these requirements are subject to rejection. If Bidder fails to name a substitute it will be assumed that he is bidding on, and he will be required to furnish goods identical to bid standard.

IDENTICAL TIE BIDS:

Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. Bidder must complete and submit as part of the bid response the attached IDENTICAL TIE BID form. Failure to submit a completed form may result in the bid being determined as non-responsive.

ETHICAL BUSINESS PRACTICES

- A. Gratuities. It shall be unethical for any person to offer, give, or agree to give any County employee, or for any County employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or performing in any

other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, subcontract, or to any solicitation or proposal therefor.

- B. Kickbacks. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.
- C. The Board reserves the right to deny award or immediately suspend any contract resulting from this proposal pending final determination of charges of unethical business practices. At its sole discretion, the Board may deny award or cancel the contract if it determines that unethical business practices were involved.

II. CONTRACT PROVISIONS

PAYMENT AND PERFORMANCE BOND

A Payment and Performance Bond in the amount of 100% of the estimated project cost shall be supplied by the Contractor at the time of Agreement execution. Also, a Payment and Material Bond for the Agreement amount shall be supplied by the Contractor at the same time.

Payment and Performance and Material Bonds shall provide that, in the event of non-performance on the part of the Contractor the bond can be presented for honor and acceptance at an authorized representative or institution located in Tallahassee, Florida. The Payment and Performance Bond shall be in the following form:

PUBLIC CONSTRUCTION BOND Bond No.(enter bond number)

BY THIS BOND, We _____, as Principal and a corporation, as Surety, are bound to _____, herein called Owner, in the sum of \$ _____, for payment of which we bind ourselves, our heirs, personal representatives, successors, and assigns, jointly and severally.

THE CONDITION OF THIS BOND is that if Principal:

1. Performs the contract dated _____, between Principal and Owner for construction of the contract being made a party of this bond by reference, at the time and in the manner prescribed in the contract; and
2. Promptly makes payments to all claimants, as defined in Section 255.05(1), Florida Statutes, supplying Principal with labor, materials, or supplies, used directly or indirectly by Principal in the prosecution of the work provided for in the contract; and
3. Pays Owner all losses, damages, expenses, costs, and attorney-s fees, including appellate proceedings, that Owner sustains because of a default by Principal under the contract; and
4. Performs the guarantee of all work and materials furnished under the contract for the time specified in the contract, then this bond is void; otherwise it remains in full force.

Any action instituted by a claimant under this bond for payment must be in accordance with the notice and time limitation provisions in Section 255.05(2), Florida Statutes.

Any changes in or under the contract documents and compliance or noncompliance with any formalities connected with the contract or the changes does not affect Surety-s obligation under this bond.

DATED on this the _____ day of _____, 2013.

(Name of Principal)

(As Attorney-In-Fact)

(Name of Surety)

Payment bonds executed as a result of the requirements herein by a surety shall make reference to Section 255.05, Florida Statutes, by number and shall contain reference to the notice and time limitation provisions in Section 255.05, Florida Statutes.

TIME AND LIQUIDATED DAMAGES

The work to be performed under this contract shall be commenced within fifteen (15) days of the Notice to Proceed. All work to be performed under this Contract shall be completed within ninety (90) consecutive calendar days of the Notice to Proceed. If the work to be performed under this Contract is not completed within the time set forth above, or within such extra time as may be granted by the County, the Contractor shall be deemed to be in default. For each day the Contractor is in default, the Contractor or its Surety shall pay to the County, not as a penalty, but as liquidated damages an amount set based on the bid price and according to Section 8-10 of the FDOT's Standard Specifications for Road and Bridge Construction, 2010 Edition.

Permitting the Contractor to continue and finish the work or any part of it after the expiration of the contract time allowed, including extensions, if any, shall in no way act as a waiver on the part of County of the liquidated damages due under the contract.

PAYMENTS TO THE GENERAL CONTRACTOR

Payments to the General Contractor shall be made according to the procedures outlined in Section 9 of the Supplement to the Agreement for General Contractor's Services.

STATUS

The Contractor shall at all times, relevant to this contract, be an independent contractor and in no event shall the Contractor, nor any employees or sub-contractors under it, be considered to be employees of Leon County.

AUDITS, RECORDS, AND RECORDS RETENTION

The Contractor agrees:

1. To establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices, which sufficiently and properly reflect all revenues and expenditures of funds provided by the County under this contract.
2. To retain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this contract for a period of five (5) years after termination of the contract, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings or any litigation which may be based on the terms of this contract.
3. Upon completion or termination of the contract and at the request of the County, the Contractor will cooperate with the County to facilitate the duplication and transfer of any said records or documents during the required retention period as specified in paragraph 1 & 2 above.
4. To assure that these records shall be subject at all reasonable times to inspection, review, or audit by Federal, state, or other personnel duly authorized by the County.
5. Persons duly authorized by the County and Federal auditors, pursuant to 45 CFR, Part 92.36(l)(10), shall have full access to and the right to examine any of provider's contract and related records and documents,

regardless of the form in which kept, at all reasonable times for as long as records are retained.

6. To include these aforementioned audit and record keeping requirements in all approved subcontracts and assignments.
7. **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:**

LEON COUNTY PURCHASING DIVISION
ATTN: SHELLY KELLEY, PURCHASING DIRECTOR
1800-3 N. BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32308
PHONE: 850-606-1600
EMAIL: KELLEYS@LEONCOUNTYFL.GOV

MONITORING

To permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and services of the provider which are relevant to this contract, and interview any clients and employees of the provider to assure the County of satisfactory performance of the terms and conditions of this contract.

Following such evaluation, the County will deliver to the provider a written report of its findings and will include written recommendations with regard to the provider's performance of the terms and conditions of this contract. The provider will correct all noted deficiencies identified by the County within the specified period of time set forth in the recommendations. The provider's failure to correct noted deficiencies may, at the sole and exclusive discretion of the County, result in any one or any combination of the following: (1) the provider being deemed in breach or default of this contract; (2) the withholding of payments to the provider by the County; and (3) the termination of this contract for cause.

RIGHT TO INSPECT PLANT

The County may, at its discretion, inspect the part of the plant or place of business of a contractor or any subcontractor which is related to the performance of any contract awarded, or to be awarded, by Leon County. The right expressed herein shall be included in all contracts or subcontracts that involve the performance of any work or service involving Leon County.

TERMINATION

Leon County may terminate this Contract without cause, by giving the Contractor thirty (30) days written notice of termination. Either party may terminate this Contract for cause by giving the other party hereto thirty (30) days written notice of termination. The County shall not be required to give Contractor such thirty (30) day written notice if, in the opinion of the County, the Contractor is unable to perform its obligations hereunder, or if in the County's opinion, the services being provided are not satisfactory. In such case, the County may immediately terminate the Contract by mailing a notice of termination to the seller.

WARRANTIES:

Bidder will warrant title to all goods sold as provided for in Section 672, Florida Statutes.

WORK

Contractor understands that no amount of work is guaranteed to it nor is the County under an obligation to utilize the services of the Contractor in those instances where the work to be performed can be done by County personnel or under separate contract. Any work to be performed shall be upon the written request of the County Administrator or his representative, which request shall set forth the commencing date of such work and the time within which such work shall be completed.

PERMITS

The Contractor shall pay for and obtain all necessary permits as required by law.

CONFLICTING TERMS AND CONDITIONS

In the instance that terms, conditions, specifications, or other instruments are provided by architects, engineers, or persons other than County Procurement concerning the matters herein, then the terms and conditions in this Solicitation document shall prevail over all other terms and conditions.

ASSIGNMENT

This contract shall not be assigned or sublet as a whole or in part without the written consent of the County, nor shall the Contractor assign any monies due or to become due to him hereunder without the previous written consent of the County.

INDEMNIFICATION

The Contractor agrees to indemnify and hold harmless the County, its officials, officers and employees, from and against any and all liabilities, damages, losses and costs, including, but not limited to reasonable attorney-s fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the Contractor and persons employed or utilized by the Contractor in the performance of this agreement.

The County may, at its sole option, defend itself or required the Contractor to provide the defense. The Contractor acknowledges that the sum of ten dollars (\$10.00) of the amount paid to the Contractor constitutes sufficient consideration for the Contractor's indemnification of the County, its officials, officers and employees.

It is understood that the Contractors responsibility to indemnify and defend the County, it officials, officers and employees is limited to the Contractors proportionate share of liability caused by the negligent acts or omissions of the Contractor, its delegates, agents or employees.

TERMS AND CONDITIONS

Leon County objects to and shall not consider any additional terms or conditions submitted by a respondent, including any appearing in documents attached as part of a respondent's response. In submitting its response, a respondent agrees that any additional terms or conditions, whether submitted intentionally or inadvertently, shall have no force or effect. Failure to comply with terms and conditions, including those specifying information that must be submitted with a response, shall be grounds for rejecting a response or placing a respondent in default.

PENALTIES:

BIDS MAY BE REJECTED AND/OR Bidder(S) DISQUALIFIED FOR THE FOLLOWING REASONS:

1. Consistent failure to respond to bid invitation for three (3) consecutive instances.
2. Failure to update the information on file including address, product, service or business descriptions.
3. Failure to perform according to contract provisions.

4. Conviction in a court of law of any criminal offense in connection with the conduct of business.
5. Clear and convincing evidence of a violation of any federal or state anti-trust law based on the submission of bids or proposals, or the awarding of contracts.
6. Clear and convincing evidence that the bidder has attempted to give a Board employee a gratuity of any kind for the purpose of influencing a recommendation or decision in connection with any part of the Board's purchasing activity.
7. Other reasons deemed appropriate by the Board of County Commissioners.

ATTACHMENTS:

Attachment #1	Phase I Landfill Cell Closure Plans
Attachment #2	Leon County Permit LEM 17-00038 (F.A. Ash Borrow Pit)
Attachment #3	Geotechnical Investigation Report (F.A. Ash Borrow Pit)
Attachment #4	Bid Pricing Sheet
Attachment #5	Leon County Modification to Florida Department of Transportation Standard specifications for Road and Bridge Construction, 2010.

BID CHECKLIST:

Please submit the items on the following list and any other items required by any section of this invitation for bids. The checklist is provided as a courtesy and may not be inclusive of all items required within this invitation for bids.

- _____ Completed Bid Response Sheet with Manual Signature
- _____ Affidavit Immigration Laws
- _____ Minority/Women Business Enterprise Participation Plan/Good Faith Statement
- _____ Identical Tie Bid Statement
- _____ Insurance Certification Form
- _____ Certification/Debarment Form
- _____ Applicable Licenses/Registrations

BID RESPONSE SHEET

The Board of County Commissioners, Leon County, reserves the right to accept or reject any and/or all bids in the best interest of Leon County.

Shelly W. Kelley
Purchasing Director

John E. Dailey
Chairman

This proposal is submitted by the below named firm/individual by the undersigned authorized representative.

BY _____
(Firm Name)

(Authorized Representative)

(Printed or Typed Name)

ADDRESS _____

EMAIL ADDRESS _____

TELEPHONE _____

FAX _____

ADDENDA ACKNOWLEDGMENTS: (IF APPLICABLE)

Addendum #1 dated _____ Initials

Addendum #2 dated _____ Initials

Addendum #3 dated _____ Initials

**AFFIDAVIT CERTIFICATION
IMMIGRATION LAWS**

Leon County will not intentionally award County contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324 A(e) {Section 274a(e) of the Immigration and Nationality Act (INA®).

Leon County may consider the employment by any Contractor of Unauthorized Aliens a violation of Section 274A(e) of the INA. **Such violation by the Recipient of the employment provision contained in Section 274A(e) of the INA shall be ground for unilateral cancellation of the contract by Leon County.**

BIDDER ATTESTS THAT THEY ARE FULLY COMPLIANT WITH ALL APPLICABLE IMMIGRATION LAWS (SPECIFICALLY TO THE 1986 IMMIGRATION ACT AND SUBSEQUENT AMENDMENTS).

Company Name: _____

Signature: _____ Title: _____

STATE OF _____
COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 20__.

Personally known _____
NOTARY PUBLIC

OR Produced identification _____
Notary Public - State of _____

(Type of identification)

My commission expires: _____

Printed, typed, or stamped commissioned name of notary

The signee of this Affidavit guarantees, as evidenced by the sworn affidavit required herein, the truth and accuracy of this affidavit to interrogatories hereinafter made.

***LEON COUNTY RESERVES THE RIGHT TO REQUEST SUPPORTING DOCUMENTATION,
AS EVIDENCE OF SERVICES PROVIDED, AT ANY TIME.***

MINORITY AND WOMEN BUSINESS ENTERPRISE (MWBE) PARTICIPATION PLAN FORM

Respondent: _____

All respondents, including Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs), shall complete and submit this M/WBE Participation Plan with their proposal. Through submission of its bid/proposal, Respondent certifies, acknowledges and agrees that the Participation Level and the Good Faith Efforts herein designated are accurate and true; and, that the individual whose manual signature is on this submission is duly authorized on behalf of the respondent to make such certification.

For the purposes of MWBE participation on Leon County projects, the following definition applies:

A Certified Minority Business Enterprise (MBE) and Women Business Enterprise (WBE)® are firms certified by Leon County or the City of Tallahassee. Some firms with MBE or WBE certification by the State of Florida may be accepted under a reciprocal agreement but, those from other governmental organizations are not accepted by Leon County®

DIRECTIONS: Each respondent must designate in Section 3 its level of MWBE participation. If the aspirational targets are not met or exceeded, Section 2 must be completed. All Respondents are to list subcontractors as appropriate in Sections 3 and 4.
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SECTION 1 - ASPIRATIONAL TARGET FOR M/WBE PARTICIPATION

The aspirational target for this project is:

Aspirational Target for Construction

M/WBE Classification	Aspirational Target(s)
Certified Minority Business Enterprises (MBE)	17% of the total anticipated contract value
Certified Women Business Enterprises (WBE)	9% of the total anticipated contract value

SECTION 2 - GOOD FAITH EFFORT

The following list of the good faith efforts criteria complies with Leon County's Purchasing and Minority, Women, and Small Business Enterprise Policy. This criteria is used in the determination of whether a contractor has performed and documented good faith efforts. Also, the basis for rejecting a MWBE deemed unqualified or unacceptable by the Prime Contractor shall be documented and included in the respondent's Good Faith Effort documentation.

1. Please identify all of the following activities that your firm has done as Good Faith Effort in order to secure MWBE participation and submit documentation of such. Failure to designate those actions you have done as A Good Faith® and provide documentation of all Good Faith Efforts completed by your firm may result in your proposal being determined as non-responsive. Please check the appropriate boxes that apply to your good faith activities:
 - a. Advertised for participation by MWBEs in non-minority and minority publications within the Market area, including a copy of the advertisement and proof of the date(s) it appeared B or by sending correspondence, no less than ten (10) days prior to the submission deadline, to all MWBEs referred to the respondent by the MWSBE Division for the goods and services to be subcontracted and/or supplied
 - b. Documented that the bidding Prime Contractor provided ample time for potential MBE and/or WBE

subcontractors to respond to bid opportunities, including a chart outlining the schedule/time frame used to obtain bids from MBE and WBE Vendors as applicable to the aspirational Target.

- c. Contacted the MWSBE Division for a listing of available MWBEs who provide the services needed for the bid or proposal.
- d. Contacted MBEs and/or WBEs who provide the services needed for the bid or proposal.
- e. Documented follow-up telephone calls with potential M/WBE subcontractors seeking participation.
- f. Allowed potential M/WBE Subcontractors to review bid specifications, blueprints and all other Bid/RFP related items at no charge to the M/WBEs.
- g. Contacted the MWSBE Division, no less than five (5) business days prior to the Bid/RFP deadline, regarding problems the with respondent is having in achieving and/or reaching the aspirational targets.
- h. Other documentation indicating their Good Faith Efforts to meet the aspirational targets. Please provide details below.

- 2. Prime contractors will negotiate in good faith with interested MWSBE-s, not rejecting a MWSBE as unqualified or unacceptable without sound business reasons based on a through investigation of their capabilities. **The basis for rejecting any MWBE deemed unqualified or unacceptable by the Prime Contractor shall be included in the Good Faith Effort documentation.** The Prime Contractor shall not impose unrealistic conditions of performance on MWSBE-s seeking subcontracting opportunities.
- 3. Leon County reserves the right to request supporting documentation as evidence of good faith efforts indicated above at any time. Failure to provide supporting documentation when requested shall deem your bid/proposal as non-responsive.

PARTICIPATION PLAN FORM continued on following pages.

SECTION 3 – RESPONDENT’S PROPOSED MWBE PARTICIPATION

Respondent shall complete the following Table identifying each certified MWBE firm they intend to use on this project. Attach additional sheets as necessary.

MBE and WBE Intended Utilization

Firm's Name (Requires Leon County or City of Tallahassee MWBE certification) ¹	Firm's Location Address (Must be in Leon, Gadsden, Jefferson or Wakulla Counties, FL to be certified)	Firm's Telephone Number	Ethnic Group ² (B, A, H, N, F)	Total Dollar Amount of MWBE Participation	Type of Service to Provide
Minority and Women Business Enterprise(s)					
a.					
b.					
c.					
d.					
e.					
f.					
Total Bid Amount \$		Total MWBE Participation \$			MBE Participation % WBE Participation % <u>(MBE or WBE Participation \$</u> <u>Total Bid \$)</u>
¹ <u>Certification</u> Attach and submit a copy of each MBE and WBE certification with the proposal. ² <u>Ethnic Group</u> Use following abbreviations for MBE's: African American (B); Asian American (A); Hispanic American (H); and Native American (N). WBEs include Non-Minority Female (F) owned firms.					

SECTION 4 - NON-MWBE SUBCONTRACTORS

Respondent shall complete the following Table identifying non-MBE or WBE's subcontractors it anticipates utilizing on the project.

Non-MBE and WBE Intended Utilization				
Firm's Name	Firm's Address	Firm's Phone #	Total Dollar Amount	Type of Service to Provide
a.				
b.				
c.				
d.				
e.				
f.				
g.				
h.				
i.				

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION STATEMENT

1. The contractors and all subcontractors hereby agree to a commitment to the principles and practices of equal opportunity in employment and to comply with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination based on race, color, religion, national region, sex, age, handicap, marital status, and political affiliation or belief.
2. The contractor agrees to comply with Executive Order 11246, as amended, and to comply with specific affirmative action obligations contained therein.

Signed: _____
Title: _____
Firm: _____
Address: _____

DRAFT

IDENTICAL TIE BIDS

Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- 4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employees will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify the following:

(Check one and sign in the space provided.)

_____ This firm complies fully with the above requirements.

_____ This firm does not have a drug free work place program at this time.

Bidder's Signature

Title

Date

INSURANCE CERTIFICATION FORM

To indicate that Bidder/Respondent understands and is able to comply with the required insurance, as stated in the bid/RFP document, Bidder/Respondent shall submit this insurance sign-off form, signed by the company Risk Manager or authorized manager with risk authority.

- A. Is/are the insurer(s) to be used for all required insurance (except Workers- Compensation) listed by Best with a rating of no less than A:VII?

YES NO

Commercial General
Liability:

Indicate Best Rating:

Indicate Best Financial Classification:

Business Auto:

Indicate Best Rating:

Indicate Best Financial Classification:

1. Is the insurer to be used for Workers- Compensation insurance listed by Best with a rating of no less than A:VII?

YES NO

Indicate Best Rating:

Indicate Best Financial Classification:

If answer is NO, provide name and address of insurer:

2. Is the Respondent able to obtain insurance in the following limits (next page) as required for the services agreement?

YES NO

Insurance will be placed with Florida admitted insurers unless otherwise accepted by Leon County. Insurers will have A.M. Best ratings of no less than A:VII unless otherwise accepted by Leon County.

Required Coverage and Limits

The required types and limits of coverage for this bid/request for proposals are contained within the solicitation package. Be sure to carefully review and ascertain that bidder/proposer either has coverage or will place coverage at these or higher levels.

Required Policy Endorsements and Documentation

Certificate of Insurance will be provided evidencing placement of each insurance policy responding to requirements of the contract.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Endorsements to insurance policies will be provided as follows:

Additional insured (Leon County, Florida, its Officers, employees and volunteers) -
General Liability & Automobile Liability

Primary and not contributing coverage-
General Liability & Automobile Liability

Waiver of Subrogation (Leon County, Florida, its officers, employees and volunteers)- General Liability, Automobile Liability, Workers- Compensation and Employer-s Liability

Thirty days advance written notice of cancellation to County - General Liability, Automobile Liability, Worker-s Compensation & Employer-s Liability.

Please mark the appropriate box:

Coverage is in place ☒ Coverage will be placed, without exception ☒

The undersigned declares under penalty of perjury that all of the above insurer information is true and correct.

Name _____
Typed or Printed

Signature _____

Date _____

Title _____
(Company Risk Manager or Manager with Risk Authority)

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION,
And OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b) Have not within a three-year period preceding this been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of these offenses enumerated in paragraph (1)(b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
- 3) No subcontract will be issued for this project to any party which is debarred or suspended from eligibility to receive federally funded contracts.

Signature

Title

Contractor/Firm

Address

The undersigned, as a duly authorized representative of the vendor listed herein, certifies to the best of his/her knowledge and belief, that the vendor meets the definition of a "Local Business." For purposes of this section, "local business" shall mean a business which:

- Please complete the following in support of the self-certification and submit copies of your County and City business licenses. Failure to provide the information requested will result in denial of certification as a local business.

Business Name:	
Current Local Address:	Phone: Fax:
If the above address has been for less than six months, please provide the prior address. Length of time at this address:	
Home Office Address:	Phone: Fax:

Date _____

Serial Number, If Any

August 21, 2017

RE: Bid Title: Solid Waste Cell Closure, Phase I
Bid No: BC-09-14-17-52
Opening Date: September 14, 2017 at 2:00 PM

ADDENDUM #1

Dear Vendor:

This letter serves as Addendum #1 for the above referenced project.

The following shall be added to the bid specifications:

The Technical Specifications have been modified and are attached. The modifications include:

- 1) The shaping materials from the F.A. Ash Borrow has been increased to 277,750 cubic yard of truck measure.
- 2) The contract time has been adjusted to 115 days.

An updated Unit Price sheet and the excel version of this sheet is also attached.

Modification of the stockpile A and stockpile B as indicated on the revised Stockpile Shaping Plan. (See Figure-02)

Modification of the silt fence as indicated on the revised Stockpile Shaping Erosion Control Plan. (See Figure-03)

Construction of 2 -16' fence gates for the mine perimeter fencing at the F.A. Ash Borrow Pit have been included in the plans and bid pricing sheet.

Acknowledgment of this addendum is required as part of your bid submittal. Failure to acknowledge this addendum may result in rejection of your bid.

Should you have any questions, feel free to call me at (850) 606-1600.

Sincerely,



Don Tobin, CPPB
Purchasing and Contract Administrator

DT

**Leon County - Solid Waste Management Facility -Phase I Landfill Closure
(Shaping Materials)**

Attachment #1
Page 39 of 65

Item No	Pay Item No.	Description	Quantity Units	Quantity	Unit Cost	Cost
1	101-1	Mobilization	LS	1		\$ -
2	104-10-3	Sediment Barrier (Landfill & Borrow Pit)	LF	4,821		\$ -
3	104-15	Soil Tracking Prevention Device	EA	2		\$ -
4	110-1-1	Clearing and Grubbing	LS/AC	1		\$ -
5	120-2-2	Borrow Excavation (Truck Measure)	CY	277,750		\$ -
6	550-10-110	5' Perimeter Fencing for F. A. Ash Borrow Pit	LF	3,770		\$ -
6	550-10-214	Fence Gate for F. A. Ash Borrow Pit	EA	2		\$ -
7	LC-580-340	Tree Protection (Mine Fencing per Permit)	LF	2,000		\$ -
						\$ -
Total						\$ -

* Pay Item 110-1-1 Clearing and Grubbing includes tree removal at the borrow pit and all site preparation work. No additional compensation for tree removal will be considered under this contract.

** Pay Item 120-2-2 Borrow Pit (Truck Measure) includes excavation, transportation and stockpiling. excludes cost of clay material for the closure shaping. 25 percent fluff factor is included

TECHNICAL SPECIFICATIONS

1. SUMMARY OF WORK

The proposed project is located in Leon County, Florida, in Section 5, Township 1S, Range 2E.

The scope of work includes transporting 277,750 cubic yard of shaping materials from the F. A. Ash Borrow Pit (County Borrow Pit) located at 10600 F A Ash Way, Tallahassee, Florida to the Leon County Solid Waste Landfill Closure site located at 7550 Apalachee Parkway, Tallahassee, Florida. The excavation of the materials from F. A. Ash Borrow Pit and stock piling the materials at the Landfill closure site are included in the scope of work

See plans in the bid documents for details.

2. GENERAL REQUIREMENTS

The notes are shown on the plans. The construction procedure, materials, equipments, and the technical specifications listed herein, shall be in accordance with the following specifications and contract documents:

- 2.1 Project Specific Technical Specifications.
- 2.2 Leon County Modification to Florida Department of Transportation Standard Specifications for Road and Bridge Construction, 2010 Edition.
- 2.3 Florida Department of Transportation (FDOT) Standard Specifications for Road and Bridge Construction, 2010 Edition and all supplemental documents thereto.

Per FDOT Standard Specifications 5-2: Coordination of Contract Documents.

These Specifications, the Plans, Special Provisions, and all supplementary documents are integral parts of the Contract; a requirement occurring in one is as binding as though occurring in all. All parts of the Contract are complementary and describe and provide for a complete work. In addition to the work and materials specified in the Specifications as being included in any specific pay item, include in such pay items additional, incidental work, not specifically mentioned, when so shown in the plans, or if indicated, or obvious and apparent, as being necessary for the proper completion of the work under such pay item and not stipulated as being covered under other pay items.

In cases of discrepancy, the governing order of the documents is as follows:

1. Special Provisions.
 2. Plans.
 3. FDOT Design Standards, 2010 Edition.
 4. Supplemental Specifications.
 5. FDOT Standard Specifications, 2010 Edition.
- Computed dimensions govern over scaled dimensions.

3. MANDATORY PRE-BID CONFERENCE

Contractors are required to attend the pre-bid conference to be qualified for bidding. Contractors shall contact the Leon County Purchasing Office to confirm the meeting time and place details.

4. SPECIAL PROVISIONS

- 4.1 An allowance of 115 calendar days has been set for completion of this project, including agency coordination.
- 4.2 The liquidated damages will be set based on the bid price and according to Section 8-10 of the FDOT's Standard Specifications for Road and Bridge Construction, 2010 Edition.
- 4.3 Contractor shall not start work until all required permits have been received and a "Notice to Proceed" from Leon County has been issued. The Contractor shall post all applicable permits.
- 4.4 A National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities may apply to this Contract. It is Contractor's responsibility to secure the NPDES permit prior to commencement of construction. A copy of the NPDES permit application form can be obtained through the Florida Department of Environmental Protection's (FDEP) web site at http://www.dep.state.fl.us/water/stormwater/npdes/permits_forms.htm.
- A copy of the permit or exempt certificate shall be provided to the Leon County Public Works Department.
- 4.5 Work Schedule:
- (a) Working hours shall be from 8:00 a.m. to 6:00 p.m., Monday through Friday, however, upon the request of Contractor, County Engineer or his/her designee, may consider an alternative to these working hours based on considerations such as the time of year, site, weather, or traffic conditions.
 - (b) There shall be no works on holidays for New Year Day, Martin Luther King, Jr. Day, Memorial Day, Labor Day, Thanksgiving Day & Friday after Thanksgiving, and Christmas Day.
 - (c) No works may be allowed for days with Special Events scheduled at Leon County Solid Waste Facility/Apalachee Regional Park upon County's notice.
- 4.6 It is Contractor's responsibility to establish a staging and storage area for equipment and materials, subject to the County Engineer's approval prior to commencement of construction. If the staging area is outside the County easements, right-of-way, or properties, Contractor is required to obtain a temporary construction staging area permit from Leon County Development Support and Environmental Management Department. Contractor is also responsible to obtain necessary permits required by any other agencies for the staging area.
- 4.7 Contractor is responsible for safety of the construction & borrow pit site and shall prohibit public access to the site during construction. The associated costs such as temporary fencing and other necessary measures shall be considered incidental and included in the total contract price.
- 4.8 Hauling trucks must use material screening cover to avoid losses during transportation.

- 4.9 See notes on the EMP permit plan set, including but not limited to GENERAL NOTES, for additional details.
- 4.10 Erosion controls shown on the plans are to be considered minimum and additional protection shall be accounted for in this project.
- 4.11 Contractor must read and understand the attached geotechnical report dated July 21, 2017.
- 4.12 The geotechnical report represents phase 2 and phase 3 areas indicated in the permit drawing. The contractor is required to start their work from phase 2.
- 4.13 The top 0-2 feet of Clay sand materials should be stripped of roots and rocks. Contractor must not mix these materials with the shaping materials and cover materials. This sandy material with the top 2 feet will be stocked on site and location of the stockpile will be staked out by the county survey crew.
- 4.14 The initial 2-15 feet of materials below the existing grade will be stockpiled at the Landfill site according to the Stockpile shaping plan. This pile must be clearly identified with the source (2-15 feet) and must not be mixed with the material from 15-20 feet.
- 4.15 The 15-20 feet of materials below the existing grade must be segregated from the materials from the depth of 20-15 feet. These materials must not be mixed with the piles of materials from the 0-15 feet below the grade of borrow pit.
- 4.16 Contractor is responsible for maintenance of access road inside the F. A. Ash borrow pit for continuing operation of the materials hauling until the contract is closed out. Any damage to the roadway during hauling of the materials should be repaired with no additional cost to the County.
- 4.17 Hauling process will not commence until all truck's capacity are verified and numbered.

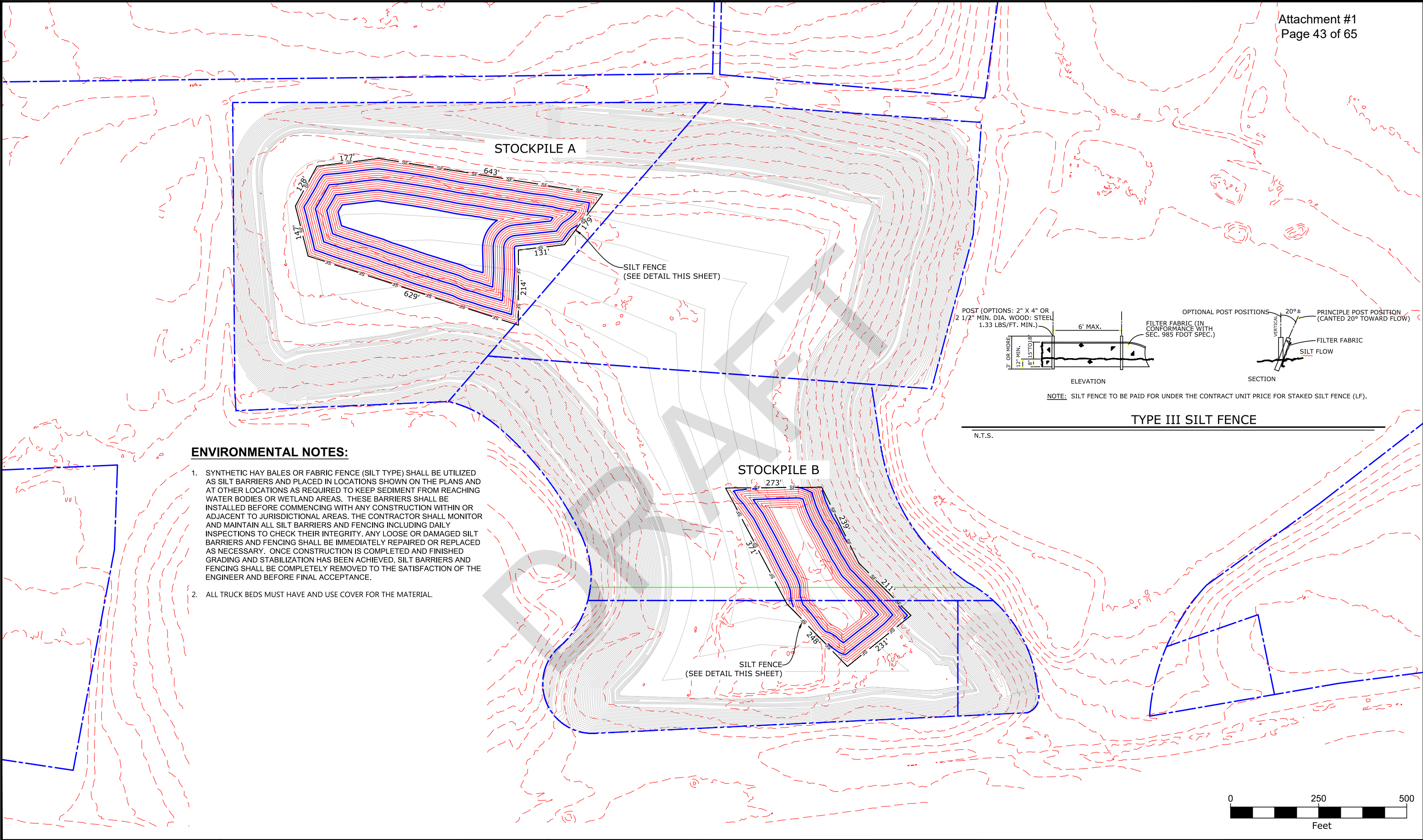
5. CONSTRUCTION SEQUENCE

- 5.1 The Contractor is required first to start the construction by following the phases suggested in the construction plans.

6. ATTACHMENTS

Contractor is to comply with construction related permit requirements. The following permits and other background documentation are provided for the Contractor's use:

Attachment #1	Phase I Landfill Cell Closure Plans
Attachment #2	Leon County Permit LEM 17-00038 (F.A. Ash Borrow Pit)
Attachment #3	Geotechnical Investigation Report (F.A. Ash Borrow Pit)
Attachment #4	Bid Pricing Sheet
Attachment #5	Leon County Modification to Florida Department of Transportation Standard Specifications for Road and Bridge Construction, 2010.



4140 NW 37th Place, Suite A
Gainesville, Florida 32606
Phone: 352.672.6867 Fax: 352.692.5390
Certificate of Authorization No. 30066



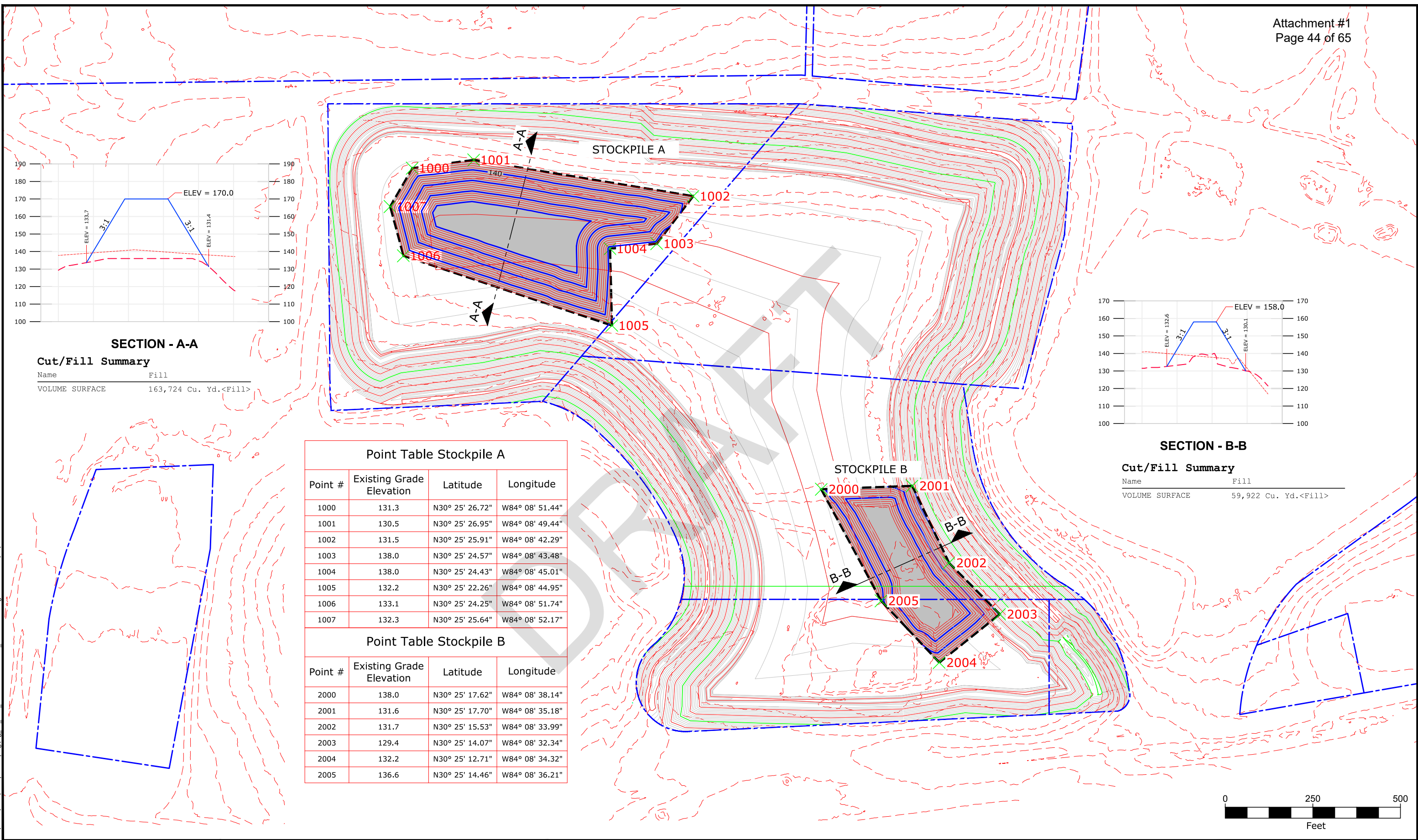
Leon County Public Works
2280 Miccosukee Road
Tallahassee, Florida 32308

PROJECT TITLE:
LEON COUNTY SOLID WASTE MANAGEMENT FACILITY
CLASS I AND CLASS III LANDFILL CLOSURE
TALLAHASSEE, LEON COUNTY, FLORIDA
Page 136 of 417

SHEET TITLE:
STOCKPILE SHAPING EROSION CONTROL
PLAN

PROJECT NUMBER: 07000-173-15
SCALE: 1" = AS SHOWN
FIGURE 03
Posted 4:00 p.m. on October 2, 2017






Z:\Civ\3D Projects\07000-173-15\CADD\Misc\Stockpile Shaping\Fig 02 Plan Stockpile Shaping.dwg PLOT DATE: 8/15/2017 4:26 PM BY: MAF



Locklear & Associates

4140 NW 37th Place, Suite A
Gainesville, Florida 32606
Phone: 352.672.6867 Fax: 352.692.5390
Certificate of Authorization No. 30066



CLIENT:
Leon County Public Works
2280 Miccosukee Road
Tallahassee, Florida 32308


PROJECT TITLE:
**LEON COUNTY SOLID WASTE MANAGEMENT FACILITY
CLASS I AND CLASS III LANDFILL CLOSURE**

TALLAHASSEE, LEON COUNTY, FLORIDA
Page 137 of 417

SHEET TITLE:
STOCKPILE SHAPING PLAN

PROJECT NUMBER: 07000-173-15
SCALE: 1" = AS SHOWN

FIGURE 02
Posted 4:00 p.m. on October 2, 2017





Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

Attachment #1
Purchasing Division
1800-3 Blair Stone Road
(corner of Miccosukee and Blair Stone Roads)
Tallahassee, Florida 32308
(850) 606-1600

Commissioners

JOHN E. DAILEY
District 3
Chairman

NICK MADDOX
At-Large
Vice Chairman

BILL PROCTOR
District 1

JIMBO JACKSON
District 2

BRYAN DESLOGE
District 4

KRISTIN DOZIER
District 5

MARY ANN LINDLEY
At-Large

VINCENT S. LONG
County Administrator

HERBERT W.A. THIELE
County Attorney

September 5, 2017

RE: Bid Title: Solid Waste Cell Closure, Phase I
Bid No: BC-09-14-17-52
Opening Date: September 14, 2017 at 2:00 PM

ADDENDUM #2

Dear Vendor:

This letter serves as Addendum #2 for the above referenced project.

The following shall be added to the bid specifications:

The Technical Specifications have been modified and are attached. The modifications include:

The total volume of shaping and cover materials from the F.A. Ash Borrow Pit (County Pit) is 222,200 cubic yards to be measured as stockpile at Landfill site.

Top soil material as described in item 4.13 of the technical specifications is added as a pay item to the bid pricing sheet.

An updated Unit Price sheet is attached.

The stockpile A and stockpile B have been moved to new locations as shown on the revised Stockpile Shaping Plan. (See attached Figure-02)

Modifications of the silt fence for the new location of the stockpiles are shown on the attached Stockpile Shaping Erosion Control Plan. (See attached Figure-03)

Contractor is responsible for providing a certified survey of the stockpile area with their monthly pay request. The survey accuracy shall be such that an accurate volume can be determined for each months pay request. The contractor shall notify the County surveyor five work days prior to any survey work. The survey set up and control must be confirmed with County surveyor in his presence.

Mine perimeter fencing at the F. A. Ash Borrow Pit will be a 4' high chain link type fence. This pay item includes all work associated with the fence installation such as but not limited to fence materials, post and labor.

County Inspectors will monitor all trucks leaving the F.A. Ash Borrow Pit and arriving at the Landfill site during the hauling activity. The County will develop a truck numbering system before initial hauling so that the hauling activities can be tracked.

Contractor shall submit Maintenance of traffic (MOT) plans to the County Project Manager for approval. This MOT plan will applied at Apalachee Parkway and W. W. Kelly Road.

Addendum #2, Solid Waste Cell Closure, Phase I
September 5, 2017
Page 2

A MOT Plan must be developed by the contractor and submitted to the county for review and approval within one week after the contract execution. Any traffic control devices on state maintained roads must be approved by FDOT. The contractor is responsible to coordinate with FDOT to obtain permission for these devices in the FDOT right of way.

A sufficient labor force shall be maintained to undertake the scope of work that is to be performed. Prior to the commencement of each day's work, the On-Site Inspector shall approve the personnel provided by the contractor to ensure that an adequate number of workers are available as well as capable of providing the skills necessary to perform the necessary task. If any time during the working day, the Inspector feels that adequate personnel are not being provided, he or she may stop all work activities until the contractor corrects the situation. The Contractor's Superintendent shall be free at all times to supervise and coordinate the work in progress with the On-Site Inspector without being required to personally operate the equipment for the project.

The contractor is required to separate stockpile materials from the seeded and closed Class III west and east cell surface. Plastic membranes or similar material may be used and the cost for this item will be incidental to the overall project.

The 2-15 feet of materials below the existing grade will be placed at stockpile "B" and the 15-20 feet of materials will be placed at stockpile "A" as shown Stockpile Shaping Plan. (See attached Figure-02)

Acknowledgment of this addendum is required as part of your bid submittal. Failure to acknowledge this addendum may result in rejection of your bid.

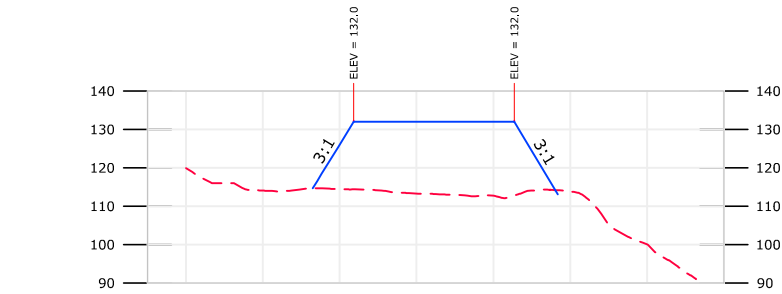
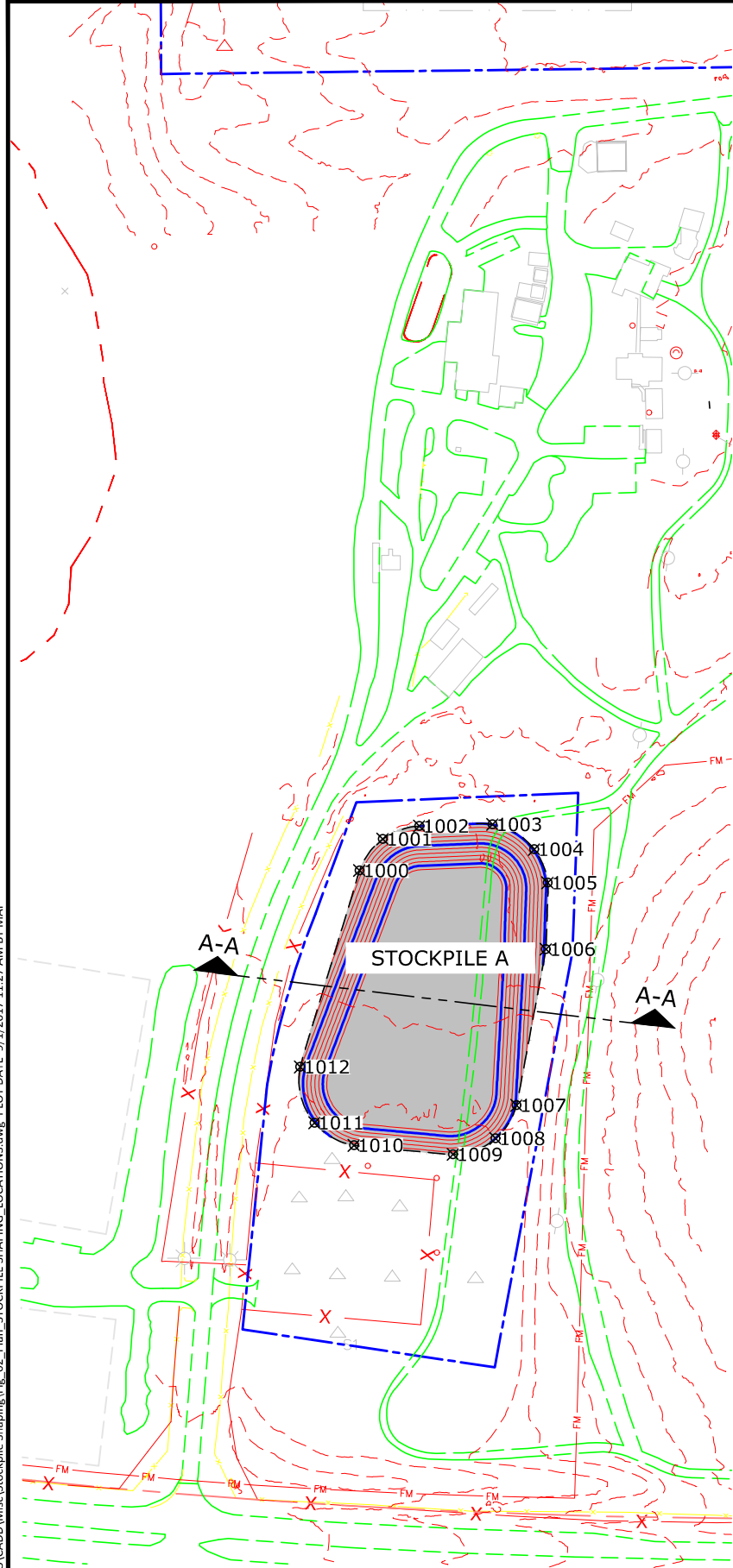
Should you have any questions, feel free to call me at (850) 606-1600.

Sincerely,



Don Tobin, CPPB
Purchasing and Contract Administrator

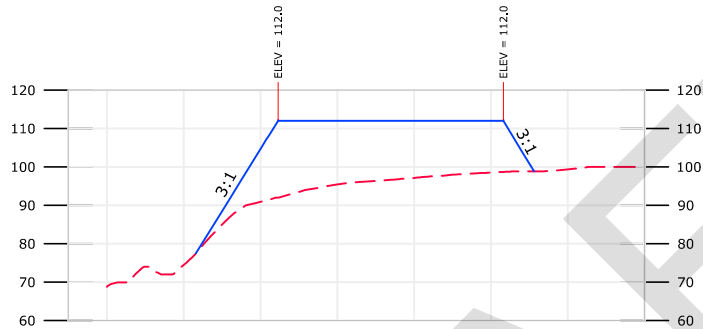
DT



SECTION - A-A

Cut/Fill Summary

Name	Fill
VOLUME SURFACE	73,210 Cu. Yd.<Fill>



SECTION - B-B

Cut/Fill Summary

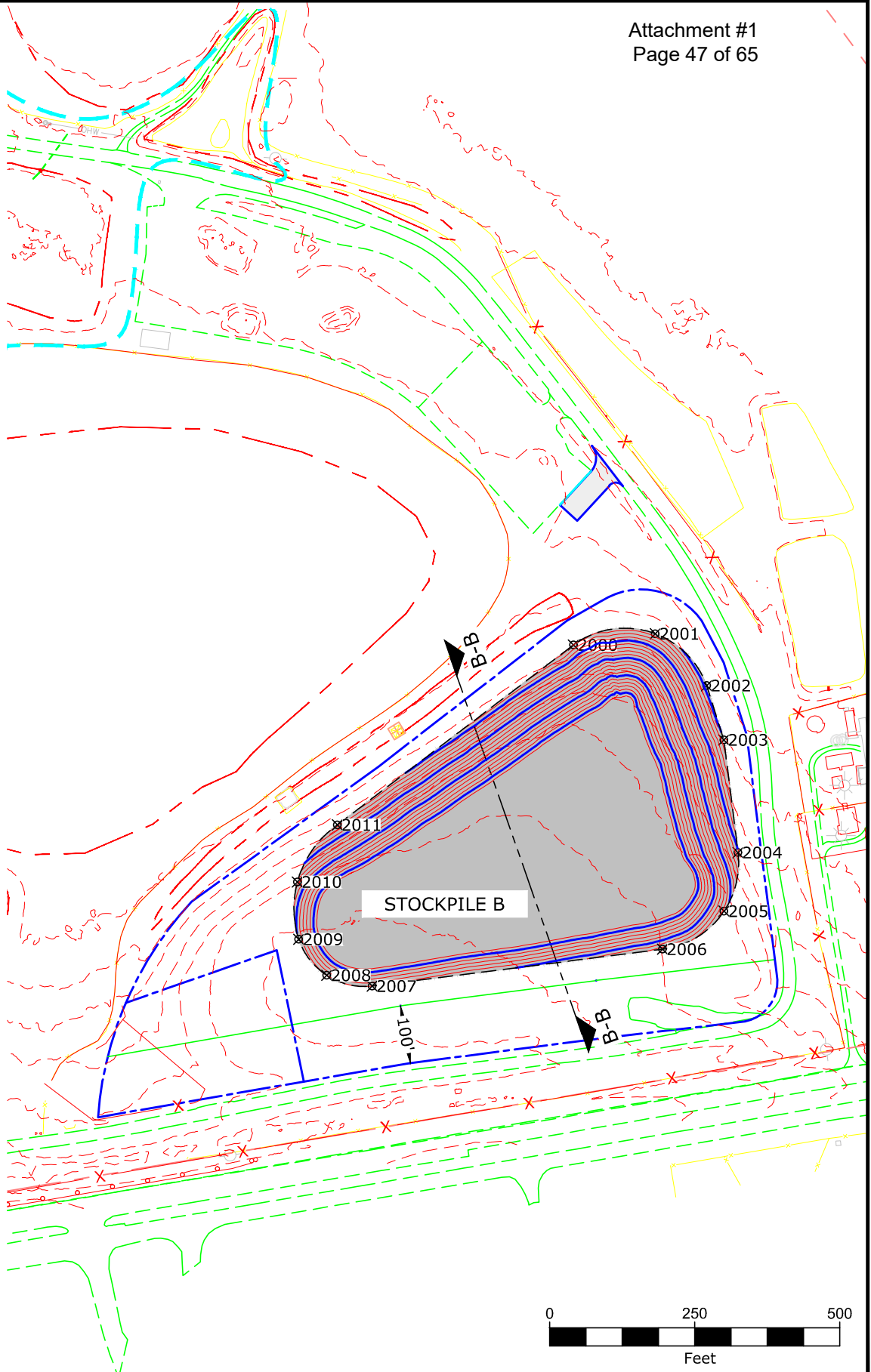
Name	Fill
VOLUME SURFACE	152,881 Cu. Yd.<Fill>

Point Table Stockpile A

Point #	Existing Grade Elevation	Latitude	Longitude
1000	110.8	N30° 25' 17.22"	W84° 09' 01.73"
1001	240.9	N30° 25' 17.69"	W84° 09' 01.33"
1002	110.0	N30° 25' 17.88"	W84° 09' 00.70"
1003	109.9	N30° 25' 17.90"	W84° 08' 59.44"
1004	109.4	N30° 25' 17.53"	W84° 08' 58.72"
1005	109.1	N30° 25' 17.03"	W84° 08' 58.49"
1006	109.0	N30° 25' 16.04"	W84° 08' 58.52"
1007	119.2	N30° 25' 13.70"	W84° 08' 59.04"
1008	119.9	N30° 25' 13.21"	W84° 08' 59.40"
1009	120.7	N30° 25' 12.97"	W84° 09' 00.13"
1010	120.8	N30° 25' 13.11"	W84° 09' 01.84"
1011	119.3	N30° 25' 13.45"	W84° 09' 02.52"
1012	117.5	N30° 25' 14.29"	W84° 09' 02.76"

Point Table Stockpile B

Point #	Existing Grade Elevation	Latitude	Longitude
2000	74.0	N30° 25' 19.26"	W84° 08' 15.14"
2001	72.4	N30° 25' 19.44"	W84° 08' 13.53"
2002	68.5	N30° 25' 18.55"	W84° 08' 12.52"
2003	70.6	N30° 25' 17.63"	W84° 08' 12.19"
2004	212.8	N30° 25' 15.70"	W84° 08' 11.91"
2005	227.8	N30° 25' 14.70"	W84° 08' 12.19"
2006	231.5	N30° 25' 14.06"	W84° 08' 13.41"
2007	238.6	N30° 25' 13.44"	W84° 08' 19.12"
2008	238.6	N30° 25' 13.63"	W84° 08' 20.02"
2009	236.8	N30° 25' 14.25"	W84° 08' 20.57"
2010	231.4	N30° 25' 15.22"	W84° 08' 20.59"
2011	219.9	N30° 25' 16.20"	W84° 08' 19.80"



Z:\Civil3D\Projects\07000-173-15\CADD\Misc\Stockpile Shaping\Fig. 02 Plan Stockpile Shaping Locations.dwg PLOT DATE: 9/1/2017 11:27 AM BY: MAF



4140 NW 37th Place, Suite A
Gainesville, Florida 32606
Phone: 352.672.6867 Fax: 352.692.5390
Certificate of Authorization No. 30066



Leon County Public Works
2280 Miccosukee Road
Tallahassee, Florida 32308

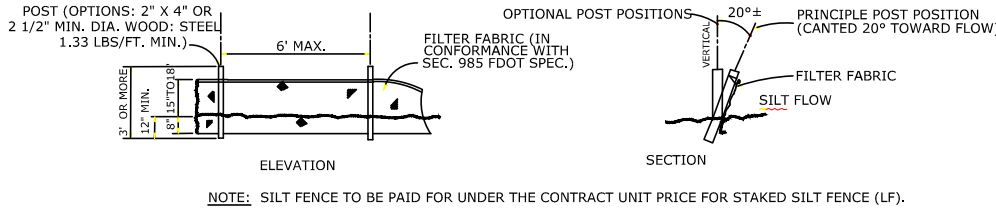
PROJECT TITLE:
LEON COUNTY SOLID WASTE MANAGEMENT FACILITY
CLASS I AND CLASS III LANDFILL CLOSURE
TALLAHASSEE, LEON COUNTY, FLORIDA
Page 140 of 417

SHEET TITLE:
STOCKPILE SHAPING LOCATIONS

PROJECT NUMBER: 07000-173-15
SCALE: 1" = AS SHOWN

FIGURE_02
Posted 4:00 p.m. on October 2, 2012





TYPE III SILT FENCE

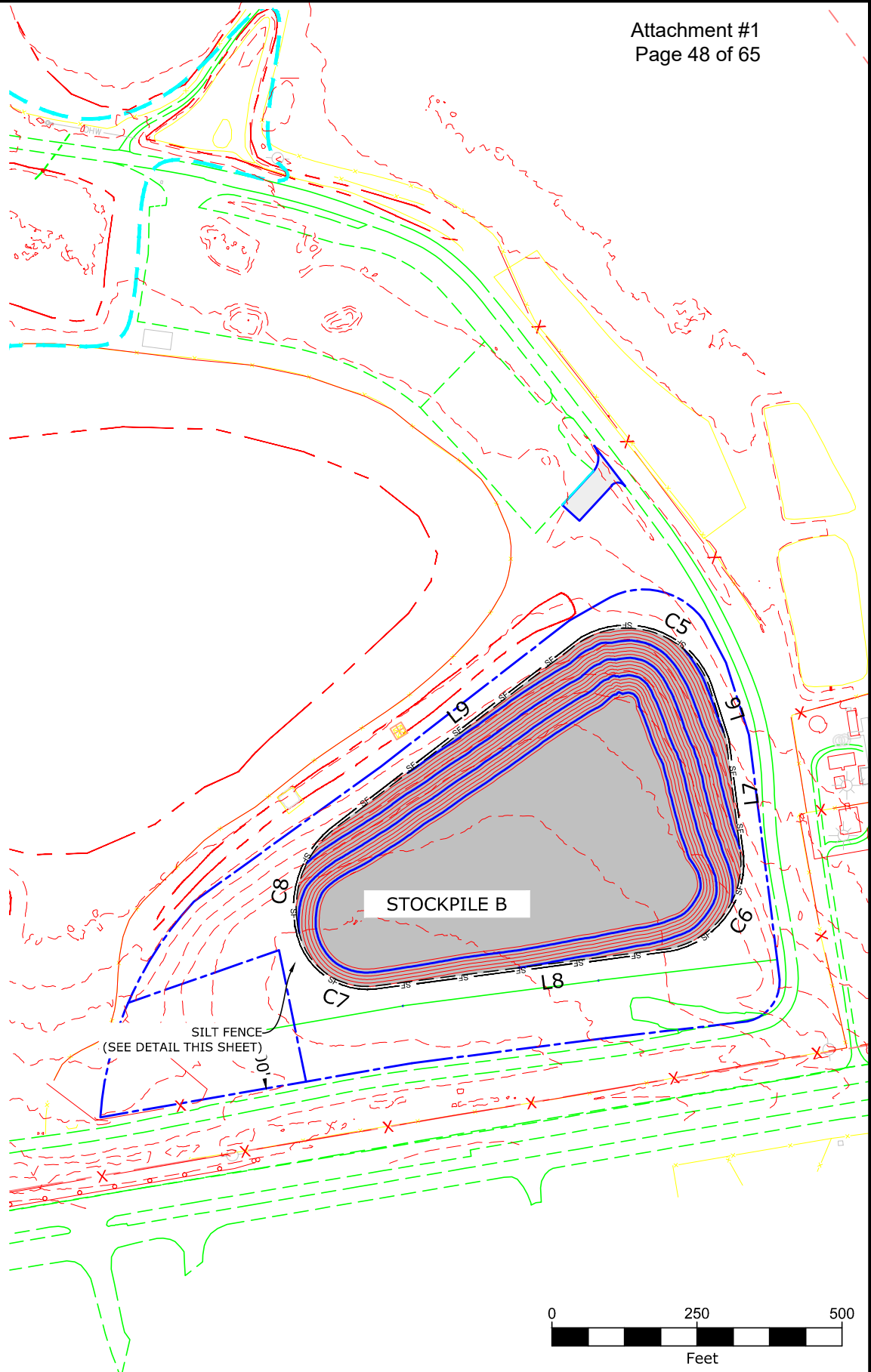
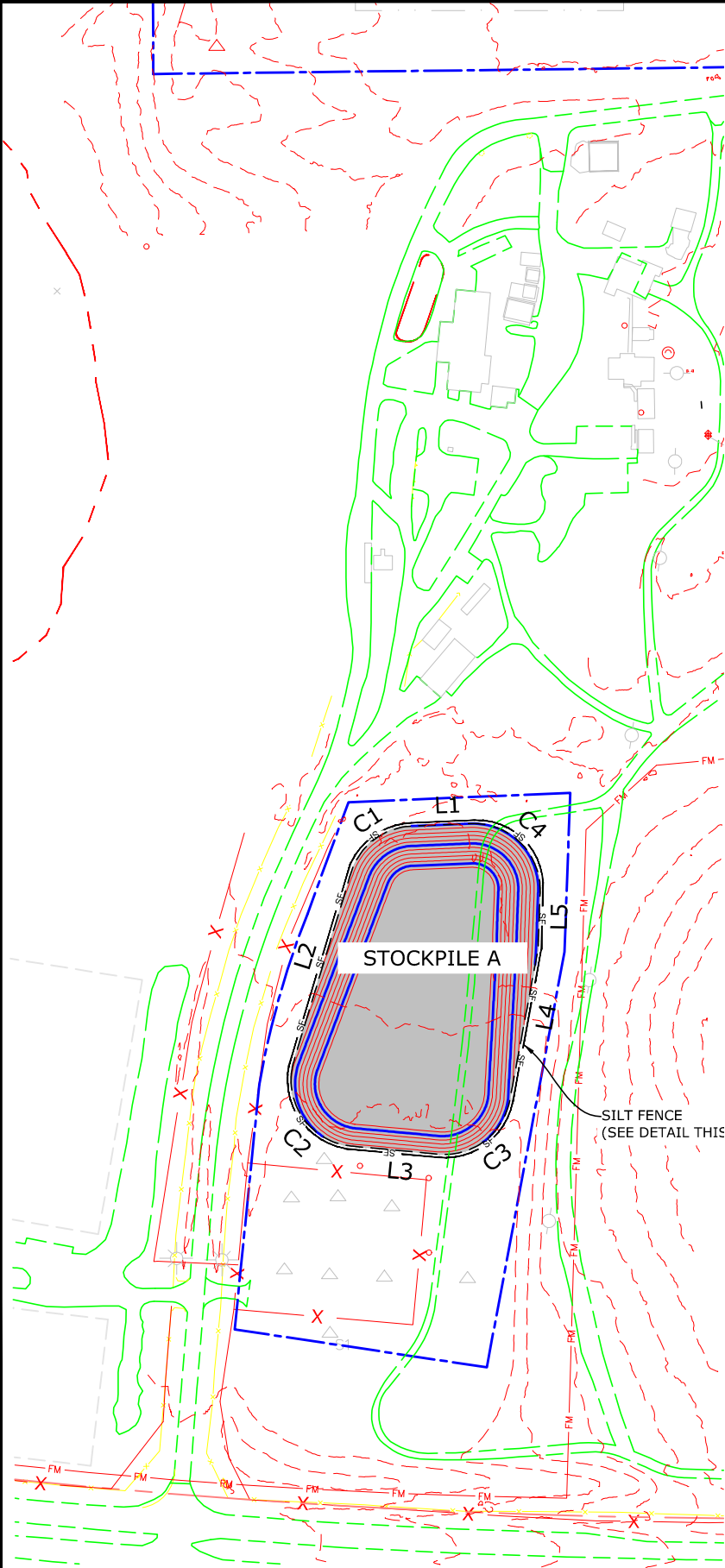
N.T.S.

ENVIRONMENTAL NOTES:

1. SYNTHETIC HAY BALES OR FABRIC FENCE (SILT TYPE) SHALL BE UTILIZED AS SILT BARRIERS AND PLACED IN LOCATIONS SHOWN ON THE PLANS AND AT OTHER LOCATIONS AS REQUIRED TO KEEP SEDIMENT FROM REACHING WATER BODIES OR WETLAND AREAS. THESE BARRIERS SHALL BE INSTALLED BEFORE COMMENCING WITH ANY CONSTRUCTION WITHIN OR ADJACENT TO JURISDICTIONAL AREAS. THE CONTRACTOR SHALL MONITOR AND MAINTAIN ALL SILT BARRIERS AND FENCING INCLUDING DAILY INSPECTIONS TO CHECK THEIR INTEGRITY. ANY LOOSE OR DAMAGED SILT BARRIERS AND FENCING SHALL BE IMMEDIATELY REPAIRED OR REPLACED AS NECESSARY. ONCE CONSTRUCTION IS COMPLETED AND FINISHED GRADING AND STABILIZATION HAS BEEN ACHIEVED, SILT BARRIERS AND FENCING SHALL BE COMPLETELY REMOVED TO THE SATISFACTION OF THE ENGINEER AND BEFORE FINAL ACCEPTANCE.
2. ALL TRUCK BEDS MUST HAVE AND USE COVER FOR THE MATERIAL.

StockPile A Silt Fence Line and Curve Table		
Line #/Curve #	Length	
C1	116'	
C2	168'	
C3	155'	
C4	155'	
L1	95'	
L2	320'	
L3	140'	
L4	233'	
L5	101'	

StockPile B Silt Fence Line and Curve Table		
Line #/Curve #	Length	
C5	272'	
C6	228'	
C7	161'	
C8	222'	
L6	99'	
L7	203'	
L8	511'	
L9	546'	



4140 NW 37th Place, Suite A
Gainesville, Florida 32606
Phone: 352.672.6867 Fax: 352.692.5390
Certificate of Authorization No. 30066



Leon County Public Works
2280 Miccosukee Road
Tallahassee, Florida 32308

PROJECT TITLE:
LEON COUNTY SOLID WASTE MANAGEMENT FACILITY
CLASS I AND CLASS III LANDFILL CLOSURE
TALLAHASSEE, LEON COUNTY, FLORIDA
Page 141 of 417

SHEET TITLE:
STOCKPILE SHAPING EROSION CONTROL

PROJECT NUMBER: 07000-173-15
SCALE: 1" = AS SHOWN

FIGURE_03
Posted 4:00 p.m. on October 2, 2017



**Leon County - Solid Waste Management Facility -Phase I Landfill Closure
(Shaping Cover Materials)**

Attachment #1
Page 49 of 65

Item No	Pay Item No.	Description	Quantity Units	Quantity	Unit Cost	Cost
1	101-1	Mobilization	LS	1		\$ -
2	102-1	Maintenance of Traffic	LS	1		\$ -
3	104-10-3	Sediment Barrier (Landfill & Borrow Pit)	LF	4,725		\$ -
4	104-15	Soil Tracking Prevention Device	EA	2		\$ -
5	110-1-1	Clearing and Grubbing	LS	1		\$ -
6	120-1	Excavation (Top Soil Material (0-2'))	CY	30,600		\$ -
7	120-2	Excavation (Shaping & Cover Material)	CY	222,200		\$ -
8	550-10-110	4' Perimeter Fencing for F. A. Ash Borrow Pit	LF	3,770		\$ -
9	550-10-214	Fence Gate for F. A. Ash Borrow Pit	EA	2		\$ -
10	LC-580-340	Tree Protection (Mine Fencing per Permit)	LF	2,000		\$ -
						\$ -
Total						\$ -

* Pay Item 110-1-1 Clearing and Grubbing includes tree removal at the borrow pit and all site preparation work. No additional compensation for tree removal will be considered under this contract.

** Pay Item 120-1 Excavation (Top Soil Material) includes excavation and stockpiling on F. A. Ash site.

*** Pay Item 120-2 Excavation (compacted Material) includes excavation, transportation and stockpiling.

**** Pay Item 550-10-110 4' perimeter fencing includes all work associated with the fence installation such as but not limited to fence materials, post and labor.

Functional Excel copy found at: <http://cms.leoncountyfl.gov/Home/Departments/Office-of-Financial-Stewardship/Purchasing/Supplemental-Solicitation-Documents>

Bid Title: Solid Waste Cell Closure, Phase I
Bid No: BC-09-14-17-52
Opening Date: September 14, 2017 @ 2:00 PM

BID RESPONSE SHEET

ORIGINAL

The Board of County Commissioners, Leon County, reserves the right to accept or reject any and/or all bids in the best interest of Leon County.

Shelly W. Kelley
Purchasing Director

John E. Dailey
Chairman

This proposal is submitted by the below named firm/individual by the undersigned authorized representative.

BY ALLEN'S EXCAVATION INC
(Firm Name)
Allen Weldon
(Authorized Representative)
ALLEN WELDON, PRESIDENT
(Printed or Typed Name)
ADDRESS 6403 WOODVILLE HWY
TEN FL 32305
EMAIL ADDRESS NNALL.ALLENSEXCAVATION@GMAIL.COM
TELEPHONE 421-6872
FAX 421-2391

ADDENDA ACKNOWLEDGMENTS: (IF APPLICABLE)

Addendum #1 dated 8/2/17 Initials AW

Addendum #2 dated 9/5/17 Initials AW

Addendum #3 dated _____ Initials _____

\$1,273,056.00

ONE MILLION TWO HUNDRED SEVENTY THREE THOUSAND
FIFTY SIX DOLLARS & 00/100

RECEIVED

2017 SEP 14 PM 1:23

PURCHASING DIVISION
LEON COUNTY

DRAFT

Item No	Pay Item No.	Description	Quantity Units	Quantity	Unit Cost	Cost
1	101-1	Mobilization	LS	1	33500	\$ 33,500.00
2	102-1	Maintenance of Traffic	LS	1	1000	\$ 1,000.00
3	104-10-3	Sediment Barrier (Landfill & Borrow Pit)	LF	4,725	1.8	\$ 8,505.00
4	104-15	Soil Tracking Prevention Device	EA	2	2000	\$ 4,000.00
5	110-1-1	Clearing and Grubbing	LS	1	57450	\$ 57,450.00
6	120-1	Excavation (Top Soil Material (0-2'))	CY	30,600	2.5	\$ 76,500.00
7	120-2	Excavation (Shaping & Cover Material)	CY	222,200	4.75	\$ 1,055,450.00
8	550-10-110	4' Perimeter Fencing for F. A. Ash Borrow Pit	LF	3,770	6.3	\$ 23,751.00
9	550-10-214	Fence Gate for F. A. Ash Borrow Pit	EA	2	250	\$ 500.00
10	LC-580-340	Tree Protection (Mine Fencing per Permit)	LF	2,000	6.2	\$ 12,400.00
						\$ -
Total						\$ 1,273,056.00

* Pay Item 110-1-1 Clearing and Grubbing includes tree removal at the borrow pit and all site preparation work. No additional compensation for tree removal will be considered under this contract.

** Pay Item 120-1 Excavation (Top Soil Material) includes excavation and stockpiling on F. A. Ash site.

*** Pay Item 120-2 Excavation (compacted Material) includes excavation, transportation and stockpiling.

**** Pay Item 550-10-110 4' perimeter fencing includes all work associated with the fence installation such as but not limited to fence materials, post and labor.

Bid Title: Solid Waste Cell Closure, Phase I
Bid No: BC-09-14-17-52
Opening Date: September 14, 2017 @ 2:00 PM

**AFFIDAVIT CERTIFICATION
IMMIGRATION LAWS**

Leon County will not intentionally award County contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324 A(e) (Section 274a(e) of the Immigration and Nationality Act (INA)).

Leon County may consider the employment by any Contractor of Unauthorized Aliens a violation of Section 274A(e) of the INA. Such violation by the Recipient of the employment provision contained in Section 274A(e) of the INA shall be ground for unilateral cancellation of the contract by Leon County.

BIDDER ATTESTS THAT THEY ARE FULLY COMPLIANT WITH ALL APPLICABLE IMMIGRATION LAWS (SPECIFICALLY TO THE 1986 IMMIGRATION ACT AND SUBSEQUENT AMENDMENTS).

Company Name: ALLEN'S EXCAVATION INC.

Signature: Allen Weldon Title: PRESIDENT

STATE OF FLORIDA
COUNTY OF LEON

Sworn to and subscribed before me this 14th day of SEPTEMBER, 2017.

Personally known ✓

[Signature]
NOTARY PUBLIC

OR Produced identification N.A

Notary Public - State of Florida

N.A
(Type of identification)

My commission expires SEP 29 2020
DAVID E. WARD
Commission # GG 034756
Expires September 29, 2020
Printed, typed, or stamped on this document SEP 29 2020

The signee of this Affidavit guarantees, as evidenced by the sworn affidavit required herein, the truth and accuracy of this affidavit to interrogatories hereinafter made.

**LEON COUNTY RESERVES THE RIGHT TO REQUEST SUPPORTING DOCUMENTATION,
AS EVIDENCE OF SERVICES PROVIDED, AT ANY TIME.**

Bid Title: Solid Waste Cell Closure, Phase I
Bid No: BC-09-14-17-52
Opening Date: September 14, 2017 @ 2:00 PM

MINORITY AND WOMEN BUSINESS ENTERPRISE (MWBE) PARTICIPATION PLAN FORM

Respondent: ALLEN'S EXCAVATION INC.

All respondents, including Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs), shall complete and submit this MWBE Participation Plan with their proposal. Through submission of its bid/proposal, Respondent certifies, acknowledges and agrees that the Participation Level and the Good Faith Efforts herein designated are accurate and true; and, that the individual whose manual signature is on this submission is duly authorized on behalf of the respondent to make such certification.

For the purposes of MWBE participation on Leon County projects, the following definition applies:

A Certified Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) are firms certified by Leon County or the City of Tallahassee. Some firms with MBE or WBE certification by the State of Florida may be accepted under a reciprocal agreement but, those from other governmental organizations are not accepted by Leon County.

DIRECTIONS: Each respondent must designate in Section 3 its level of MWBE participation. If the aspirational targets are not met or exceeded, Section 2 must be completed. All Respondents are to list subcontractors as appropriate in Sections 3 and 4.

SECTION 1 - ASPIRATIONAL TARGET FOR MWBE PARTICIPATION

The aspirational target for this project is:

Aspirational Target for Construction	
MWBE Classification	Aspirational Target(s)
Certified Minority Business Enterprises (MBE)	17% of the total anticipated contract value
Certified Women Business Enterprises (WBE)	9% of the total anticipated contract value

SECTION 2 - GOOD FAITH EFFORT

The following list of the good faith efforts criteria complies with Leon County's Purchasing and Minority, Women, and Small Business Enterprise Policy. This criteria is used in the determination of whether a contractor has performed and documented good faith efforts. Also, the basis for rejecting a MWBE deemed unqualified or unacceptable by the Prime Contractor shall be documented and included in the respondent's Good Faith Effort documentation.

1. Please identify all of the following activities that your firm has done as Good Faith Effort in order to secure MWBE participation and submit documentation of such. Failure to designate those actions you have done as A Good Faith and provide documentation of all Good Faith Efforts completed by your firm may result in your proposal being determined as non-responsive. Please check the appropriate boxes that apply to your good faith activities:
 - a. Advertised for participation by MWBEs in non-minority and minority publications within the Market area, including a copy of the advertisement and proof of the date(s) it appeared B or by sending correspondence, no less than ten (10) days prior to the submission deadline, to all MWBEs referred to the respondent by the MWSBE Division for the goods and services to be subcontracted and/or supplied
 - b. Documented that the bidding Prime Contractor provided ample time for potential MBE and/or WBE

Bid Title: Solid Waste Cell Closure, Phase I
Bid No: BC-09-14-17-52
Opening Date: September 14, 2017 @ 2:00 PM

subcontractors to respond to bid opportunities, including a chart outlining the schedule/time frame used to obtain bids from MBE and WBE Vendors as applicable to the aspirational Target.

- c. Contacted the MWSBE Division for a listing of available MWBEs who provide the services needed for the bid or proposal.
- d. Contacted MBEs and/or WBEs who provide the services needed for the bid or proposal.
- e. Documented follow-up telephone calls with potential M/WBE subcontractors seeking participation.
- f. Allowed potential M/WBE Subcontractors to review bid specifications, blueprints and all other Bid/RFP related items at no charge to the M/WBEs.
- g. Contacted the MWSBE Division, no less than five (5) business days prior to the Bid/RFP deadline, regarding problems the with respondent is having in achieving and/or reaching the aspirational targets.
- h. Other documentation indicating their Good Faith Efforts to meet the aspirational targets. Please provide details below.

- 2. Prime contractors will negotiate in good faith with interested MWSBE-s, not rejecting a MWSBE as unqualified or unacceptable without sound business reasons based on a through investigation of their capabilities. The basis for rejecting any MWBE deemed unqualified or unacceptable by the Prime Contractor shall be included in the Good Faith Effort documentation. The Prime Contractor shall not impose unrealistic conditions of performance on MWSBE-s seeking subcontracting opportunities.
- 3. Leon County reserves the right to request supporting documentation as evidence of good faith efforts indicated above at any time. Failure to provide supporting documentation when requested shall deem your bid/proposal as non-responsive.

PARTICIPATION PLAN FORM continued on following pages.

Bid Title:
 Bid Number: BC-XX-XX-XX-XX
 Opening Date:

SECTION 3 – RESPONDENT'S PROPOSED MWBE PARTICIPATION

Respondent shall complete the following Table identifying each certified MWBE firm they intend to use on this project. Attach additional sheets as necessary.

MBE and WBE Intended Utilization					
Firm's Name (Requires Leon County or City of Tallahassee MWBE certification) ¹	Firm's Location Address (Must be in Leon, Gadsden, Jefferson or Wakulla Counties, FL to be certified)	Firm's Telephone Number	Ethnic Group ² (B, A, H, N, F)	Total Dollar Amount of MWBE Participation	Type of Service to Provide
Minority and Women Business Enterprise(s)					
a. HALE CONTRACTING	1736 Commerce Blvd MIDDLEBURY FL	575-2506	F	114,575	TRUCKING
b. FLORIDA DEVELOPERS	642 W. BAYVIEW ST. PETERS FL	224-6002	B	216,420	TRUCKING / EXCAVATION
c.					
d.					
e.					
f.					
Total Bid Amount \$ 1,273,056.00				Total MWBE Participation \$ 330,995.00	MBE Participation % 17 WBE Participation % 9 (MBE or WBE Participation \$ 330,995.00 Total Bid \$) 1,273,056.00
¹ Certification Attach and submit a copy of each MBE and WBE certification with the proposal. ² Ethnic Group Use following abbreviations for MBE's: African American (B); Asian American (A); Hispanic American (H); and Native American (N). WBEs include Non-Minority Female (F) owned firms.					

Bid Title:
Bid Number: BC-XX-XX-XX-XX
Opening Date:

Allen's Excavation Inc

SECTION 4 - NON-MWBE SUBCONTRACTORS

Respondent shall complete the following Table identifying non-MBE or WBE's subcontractors it anticipates utilizing on the project.

Non-MBE and WBE Intended Utilization				
Firm's Name	Firm's Address	Firm's Phone #	Total Dollar Amount	Type of Service to Provide
a. <i>GTS FENCE</i>	<i>2931 Cassette Dr.</i>	<i>391-3870</i>	<i>\$15,000.00</i>	<i>FENCE</i>
b.				
c.				
d.				
e.				
f.				
g.				
h.				
i.				

Bid Title:
Bid Number: BC-XX-XX-XX-XX
Opening Date:

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION STATEMENT

1. The contractors and all subcontractors hereby agree to a commitment to the principles and practices of equal opportunity in employment and to comply with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination based on race, color, religion, national region, sex, age, handicap, marital status, and political affiliation or belief.
2. The contractor agrees to comply with Executive Order 11246, as amended, and to comply with specific affirmative action obligations contained therein.

Signed:

Allen Weeden

Title:

PRESIDENT

Firm:

ALLEN'S EXCAVATION INC.

Address:

6403 WOODVILLE HWY TLH FL 32305

Bid Title:
Bid Number: BC-XX-XX-XX-XX
Opening Date:

IDENTICAL TIE BIDS

Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- 4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employees will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify the following:

(Check one and sign in the space provided.)

☒ This firm complies fully with the above requirements.

☐ This firm does not have a drug free work place program at this time.

Allen Weldon
Bidder's Signature

POES, DEPT
Title

9/14/17
Date

Bid Title:
Bid Number: BC-XX-XX-XX-XX
Opening Date: _____

INSURANCE CERTIFICATION FORM

To indicate that Bidder/Respondent understands and is able to comply with the required insurance, as stated in the bid/RFP document, Bidder/Respondent shall submit this insurance sign-off form, signed by the company Risk Manager or authorized manager with risk authority.

- A. Is/are the insurer(s) to be used for all required insurance (except Workers' Compensation) listed by Best with a rating of no less than A:VII?

☒ YES NO

Commercial General
Liability:

Indicate Best Rating:

A+

Indicate Best Financial Classification:

XV

Business Auto:

Indicate Best Rating:

A+

Indicate Best Financial Classification:

XV

1. Is the insurer to be used for Workers' Compensation insurance listed by Best with a rating of no less than A:VII?

☒ YES NO

Indicate Best Rating:

A

Indicate Best Financial Classification:

X

If answer is NO, provide name and address of insurer:

2. Is the Respondent able to obtain insurance in the following limits (next page) as required for the services agreement?

☒ YES NO

Insurance will be placed with Florida admitted insurers unless otherwise accepted by Leon County. Insurers will have A.M. Best ratings of no less than A:VII unless otherwise accepted by Leon County.

Bid Title:
Bid Number: BC-XX-XX-XX-XX
Opening Date: _____

Required Coverage and Limits

The required types and limits of coverage for this bid/request for proposals are contained within the solicitation package. Be sure to carefully review and ascertain that bidder/proposer either has coverage or will place coverage at these or higher levels.

Required Policy Endorsements and Documentation

Certificate of Insurance will be provided evidencing placement of each insurance policy responding to requirements of the contract.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Endorsements to insurance policies will be provided as follows:

Additional insured (Leon County, Florida, its Officers, employees and volunteers) -
General Liability & Automobile Liability

Primary and not contributing coverage-
General Liability & Automobile Liability

Waiver of Subrogation (Leon County, Florida, its officers, employees and volunteers)- General Liability, Automobile Liability, Workers' Compensation and Employers Liability

Thirty days advance written notice of cancellation to County - General Liability, Automobile Liability, Workers' Compensation & Employers Liability.

Please mark the appropriate box:

Coverage is in place ☒ Coverage will be placed, without exception ☐

The undersigned declares under penalty of perjury that all of the above insurer information is true and correct.

Name Lynda Turner
Typed or Printed

Signature Lynda Turner

Date 9/6/2017

Title Agent
(Company Risk Manager or Manager with Risk Authority)

Bid Title:
Bid Number: BC-XX-XX-XX-XX
Opening Date:

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION,
And OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b) Have not within a three-year period preceding this been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of these offenses enumerated in paragraph (1)(b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
- 3) No subcontract will be issued for this project to any party which is debarred or suspended from eligibility to receive federally funded contracts.

Allen Weldon
Signature

PRESIDENT
Title

ALLEN'S EXCAVATION INC.
Contractor/Firm

6403 WOODVILLE HWY TRA FL 32305
Address

Bid Title:
Bid Number: BC-XX-XX-XX-XX
Opening Date:

LOCAL VENDOR CERTIFICATION

The undersigned, as a duly authorized representative of the vendor listed herein, certifies to the best of his/her knowledge and belief, that the vendor meets the definition of a "Local Business." For purposes of this section, "local business" shall mean a business which:

- Has had a fixed office or distribution point located in and having a street address within Leon, Gadsden, Wakulla, or Jefferson County for at least six (6) months immediately prior to the issuance of the request for competitive bids or request for proposals by the County; and
- Holds any business license required by Leon County (or one of the other local counties), and, if applicable, the City of Tallahassee; and
- Is the principal offeror who is a single offeror; a business which is the prime contractor and not a subcontractor; or a partner or joint venturer submitting an offer in conjunction with other businesses.

Please complete the following in support of the self-certification and submit copies of your County and City business licenses. Failure to provide the information requested will result in denial of certification as a local business.

Business Name: <u>ALLEN'S EXCAVATION INC.</u>	
Current Local Address: <u>6403 WOODVILLE HWY T2H FL 32305</u>	Phone: <u>421-6872</u> Fax: <u>421-2391</u>
If the above address has been for less than six months, please provide the prior address.	
Length of time at this address:	
Home Office Address:	Phone: Fax:

Allen Weldon
Signature of Authorized Representative

9-14-17

Date

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 14th day of Sept, 20 17
By Allen Weldon of Allen's Excavation Inc
(Name of officer or agent, title of officer or agent) (Name of corporation acknowledging)
a Florida Corporation, on behalf of the corporation. He/she is personally known to me
(State or place of incorporation)
or has produced N/A as identification.

Return Completed form with supporting documents to:

Leon County Purchasing Division
1800-3 N. Blair Stone Road
Tallahassee, Florida 32308

David E. Ward
Signature of Notary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
CONSTRUCTION INDUSTRY LICENSING BOARD

LICENSE NUMBER	
CUC1224114	

The UNDERGROUND UTILITY & EXCAVATION CO
Named below IS CERTIFIED
Under the provisions of Chapter 489 FS.
Expiration date: AUG 31, 2018



WELDON, GREGORY HEATH
ALLEN'S EXCAVATION INC
6403 WOODVILLE HWY.
TALLAHASSEE FL 32305



ISSUED: 08/16/2016

DISPLAY AS REQUIRED BY LAW

SEQ # L1608160002700

DRAFT

Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service**Request for Taxpayer
Identification Number and Certification**Give Form to the
requester. Do not
send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above
Allen's Excavation, Inc.

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
☐ Individual/sole proprietor or single-member LLC
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶
☐ C Corporation ☒ S Corporation ☐ Partnership ☐ Trust/estate
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____
Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
6403 Woodville Hwy

6 City, state, and ZIP code
Tallahassee, FL 32305

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number
[] [] [] - [] [] - [] [] [] []

or
Employer identification number
5 9 - 2 5 8 4 9 7 1

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person Allen Weldon Date 2/4/15

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fv9.**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2017/2018; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 10th day of October, 2017.

LEON COUNTY, FLORIDA

BY: _____
John E. Dailey, Chairman
Board of County Commissioners

ATTEST:
Gwendolyn Marshall, Clerk of the Court and Comptroller
Leon County, Florida

BY: _____
Gwendolyn Marshall, Clerk

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

FISCAL YEAR 2017/2018

BUDGET AMENDMENT REQUEST

No: BAB18001
 Date: 9/26/2017

Agenda Item No: _____
 Agenda Item Date: 10/10/2017

County Administrator

Deputy County Administrator

 Vincent S. Long

 Alan Rosenzweig

Request Detail: Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
401	000	399900	000	Appropriated Fund Balance	586,488	1,273,056	1,859,544
							-
							-
Subtotal:						1,273,056	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
				Landfill Closure - Improvements			
401	036043	56300	534	Other Than Buildings	-	1,273,056	1,273,056
Subtotal:						1,273,056	

Purpose of Request:

This budget amendment appropriates funding from the landfill closure cost reserve for the hauling of shaping and cover materials, associated with Phase 1 of the closure of the Solid Waste Management Facility on Apalachee Parkway.

Group/Program Director

 Budget Manager

 Scott Ross, Director, Office of Financial Stewardship

Approved By: Resolution ☒ Motion ☐ Administrator ☐

LEON COUNTY PURCHASING DIVISION
 BID TABULATION SHEET
 BC-09-14-17-52

Attachment #3
 Page 1 of 1

Bid Title: Landfill Closure – Phase I

Opening Date: Thursday, September 14, 2017 at 2:00 PM

Item/Vendor	M of Tallahassee	Allen's Excavation	Sandco	
Response Sheet with Manual Signature	✓	✓	✓	
Affidavit Immigration	✓	✓	✓	
MWSBE	✓	✓	✓	
Tie Bid Statement	✓	✓	✓	
Insurance Certification	✓	✓	✓	
Cert. of Debarment	✓	✓	✓	
Unit Price Sheet	✓	✓	✓	
Bid Total	1,591,364 ⁰⁰	1,273,056 ⁰⁰	2,094,010 ⁰⁰	
Bid bonds	✓	✓	✓	
No Bid Statement				

Tabulated By:

 Don Henderson

**Leon County - Solid Waste Management Facility -Phase I Landfill Closure
(Shaping Cover Materials)**

Item No	Pay Item No.	Description	Quantity Units	Quantity	Unit Cost	Cost
1	101-1	Mobilization	LS	1	33500	\$ 33,500.00
2	102-1	Maintenance of Traffic	LS	1	1000	\$ 1,000.00
3	104-10-3	Sediment Barrier (Landfill & Borrow Pit)	LF	4,725	1.8	\$ 8,505.00
4	104-15	Soil Tracking Prevention Device	EA	2	2000	\$ 4,000.00
5	110-1-1	Clearing and Grubbing	LS	1	57450	\$ 57,450.00
6	120-1	Excavation (Top Soil Material (0-2'))	CY	30,600	2.5	\$ 76,500.00
7	120-2	Excavation (Shaping & Cover Material)	CY	222,200	4.75	\$ 1,055,450.00
8	550-10-110	4' Perimeter Fencing for F. A. Ash Borrow Pit	LF	3,770	6.3	\$ 23,751.00
9	550-10-214	Fence Gate for F. A. Ash Borrow Pit	EA	2	250	\$ 500.00
10	LC-580-340	Tree Protection (Mine Fencing per Permit)	LF	2,000	6.2	\$ 12,400.00
						\$ -
Total						\$ 1,273,056.00

* Pay Item 110-1-1 Clearing and Grubbing includes tree removal at the borrow pit and all site preparation work. No additional compensation for tree removal will be considered under this contract.

** Pay Item 120-1 Excavation (Top Soil Material) includes excavation and stockpiling on F. A. Ash site.

*** Pay Item 120-2 Excavation (compacted Material) includes excavation, transportation and stockpiling.

**** Pay Item 550-10-110 4' perimeter fencing includes all work associated with the fence installation such as but not limited to fence materials, post and labor.

BOARD OF COUNTY COMMISSIONERS

Attachment #5
Page 1 of 2

Inter-Office Memorandum

Date: September 18, 2017

To: Sam Ijeoma, Senior Design Engineer
Engineering Services Division - Department of Public Works

From: G. LaTanya Raffington, Senior Coordinator Minority, Women, & Small Business Enterprise (MWSBE) - Office of Economic Vitality

Subject: Solid Waste Cell Closure, Phase I (BC-09-14-17-52)

The Minority, Women, & Small Business Enterprise (MWSBE) Division reviewed the MWBE Participation Plans of three bid respondents to determine if the 17% MBE and 9% WBE Aspirational Targets for Construction Subcontracting were achieved for the Solid Waste Cell Closure, Phase I Project.

The submitted MWBE Participation Plans for each bidder are as follows:

Allen's Excavation met the MWBE Aspirational Target for Construction Subcontracting; therefore, the Good Faith Effort Form is not required. The MWBE firms listed below are the firms **Allen's Excavation** intends to utilize on this project.

Total Bid Amount	\$1,273,056.00				
Name of MWBE	Race/Gender	Certifying Agency	Goods & Services	MWBE Dollars	MWBE Utilization Percentage
Florida Developers, Inc.	African American Male	City of Tallahassee	Trucking Excavation	\$216,420	17%
Hale Contracting, Inc.	Non-Minority Female	City of Tallahassee	Trucking	\$114,575	9%
Total MWBE Dollars					\$330,995
Total MWBE Utilization Percentage					26.0%

M of Tallahassee exceeds the MWBE Aspirational Target for Construction Subcontracting; therefore, the Good Faith Effort Form is not required. The MWBE firms listed below are the firms **M of Tallahassee** intends to utilize on this project.

Total Bid Amount	\$1,591,364.60				
Name of MWBE	Race/Gender	Certifying Agency	Goods & Services	MWBE Dollars	MWBE Utilization Percentage
Florida Developers, Inc.	African American Male	City of Tallahassee	Trucking Excavation	\$166,233.38	10.4%
AMC Infrastructure	African American Male	Leon County	Trucking	\$118,738.13	7.5%
Hale Contracting, Inc.	Non-Minority Female	City of Tallahassee	Trucking	\$213,119.71	13%
Total MWBE Dollars					\$498,091.22
Total MWBE Utilization Percentage					31%

Sandco, LLC met the MWBE Aspirational Target for Construction Subcontracting; therefore, the Good Faith Effort Form is not required. The MWBE firms listed below are the firms **Sandco, LLC** intends to utilize on this project.

Total Bid Amount	\$2,094,010.00				
Name of MWBE	Race/Gender	Certifying Agency	Goods & Services	MWBE Dollars	MWBE Utilization Percentage
Florida Developers, Inc.	African American Male	City of Tallahassee	Hauling, Clearing & Grubbing	\$355,982.00	17%
Hale Contracting, Inc.	Non-Minority Female	City of Tallahassee	Hauling Excavation	\$188,461.00	9%
Total MWBE Dollars					\$544,443.00
Total MWBE Utilization Percentage					26%

**Leon County
Board of County Commissioners**

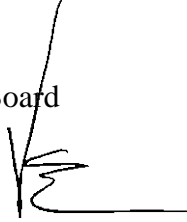
Notes for Agenda Item #8

Leon County Board of County Commissioners

Agenda Item #8

October 10, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Appointments to the Leon County Citizen Charter Review Committee and Preliminary Committee Bylaws

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Heather Peeples, Special Projects Coordinator

Statement of Issue:

This item seeks Board appointments to the Leon County Citizen Charter Review Committee and consideration of preliminary committee bylaws. Pursuant to Board direction provided at the April 4, 2017 Workshop on the Establishment of a Citizen Charter Review Committee, the Committee is to convene on November 9, 2017 to review the Leon County Charter and propose recommended amendments or revisions to the Board of County Commissioners for placement on the 2018 general election ballot. The Committee is scheduled to meet on Thursdays in the County Commission Chambers until March 10, 2018 (120 days).

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1: Approve the appointment of two members by each Commissioner to the Leon County Citizen Charter Review Committee.
- Option #2: Approve the preliminary committee bylaws to be presented to the Leon County Citizen Charter Review Committee for adoption at their first meeting on November, 9, 2017 (Attachment #1).

Staff also recommends that the Board approve either Option #3 or Option #4:

- Option #3: Appoint a Chairperson and a Vice-Chairperson from among the members of the Leon County Citizen Charter Review Committee.
- Option #4: Direct the Leon County Citizen Charter Review Committee to appoint a Chairperson and Vice-Chairperson at their first meeting on November, 9, 2017.

Report and Discussion

Background:

During Board's April 4, 2017 workshop, the County Administrator and County Attorney provided an overview of the proposed charter review process as well as options and recommendations regarding the establishment of a Citizen Charter Review Committee (CCRC) by November 6, 2017.

The Board directed staff to develop and advertise an application for citizens to apply for appointment to the CCRC and prepare an agenda item for the Board's October 10, 2017 meeting for the appointment of a 14-member Citizen Charter Review Committee (two appointments per Commissioner), as well as consideration of preliminary committee bylaws.

The establishment of and appoints to the CCRC are essential to the following FY2017-FY2021 Strategic Initiative that the Board approved at the January 24, 2017 meeting:

- In accordance with the Leon County Charter, convene a CCRC to review the Leon County Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. (2016-38)

This particular Strategic Initiative aligns with the Board's Governance Strategic Priority:

- (G5) Exercise responsible stewardship of County resources, sound financial management, and ensure that the provision of services and community enhancements are done in a fair and equitable manner.

Analysis:

Committee Appointments

Purpose: The Leon County Charter requires that a Citizen Charter Review Committee be appointed by the Board every eight years at least 12 months before the general election, to review the County's Home Rule Charter and propose any amendments or revisions for placement on the general election ballot.

Composition: As directed by the Board at the April 4, 2017 Workshop on the Establishment of a Citizen Charter Review Committee, the CCRC will consist of 14 Leon County residents with two appointments per Commissioner.

Appointments: Table #1 provides for the appointments to be made by each Commissioner, and Table #2 provides the names of individuals and corresponding application attachment numbers, who have submitted applications for appointment to the Committee.

Table #1: Commissioner Appointments to the CCRC

Appointed by	Appointee	Appointed	Term Expires
Chairman Dailey		10/10/2017	March 10, 2018
Chairman Dailey		10/10/2017	March 10, 2018
Commissioner Desloge		10/10/2017	March 10, 2018
Commissioner Desloge		10/10/2017	March 10, 2018
Commissioner Dozier		10/10/2017	March 10, 2018
Commissioner Dozier		10/10/2017	March 10, 2018
Commissioner Jackson		10/10/2017	March 10, 2018
Commissioner Jackson		10/10/2017	March 10, 2018
Commissioner Lindley		10/10/2017	March 10, 2018
Commissioner Lindley		10/10/2017	March 10, 2018
Commissioner Maddox		10/10/2017	March 10, 2018
Commissioner Maddox		10/10/2017	March 10, 2018
Commissioner Proctor		10/10/2017	March 10, 2018
Commissioner Proctor		10/10/2017	March 10, 2018

Table #2: Citizen Applications

Attachment #	Eligible Applicant's Name
2.	Robert Buccellato
3.	Elizabeth Ellis
4.	Reginald Ellis
5.	Michael Eurich
6.	Neil Fleckenstein
7.	Kenneth Hart
8.	Lee Hinkle
9.	Shane Hopkins
10.	Catherine Jones
11.	Tena Pate
12.	Anice Prosser
13.	James Revell
14.	Jeremy Smith
15.	Gordon Thames
16.	Kim Williams
17.	George Smith

Preliminary Committee Bylaws

While consistent with the previous CCRC bylaws, the proposed preliminary committee bylaws have been prepared using the County Attorney's standard format for all current Board-appointed citizen committees (Attachment #1). If approved by the Board, the preliminary bylaws will be presented to the CCRC for adoption at their first meeting on Thursday, November 9, 2017.

The preliminary bylaws outline the following:

- Applicable Florida Laws and Board Policies
- Officers and Duties
- Term of Members
- Attendance and Replacement of Members
- Meetings
- Deliberations
- Policy on Publicity
- Amendments to Bylaws

The CCRC is subject to the State's Sunshine Laws and Section 286.011, F.S. The Committee meetings will be noticed and open to the public, and all Committee records, including the approved bylaws, will be made available on the County website. All Committee meetings will also be broadcast on the County's Comcast Channel 16 and the County website.

Appointment of the Chairperson and Vice-Chairperson

Once each Commissioner has appointed two citizens to the CCRC, the Board may also wish to select from among the members of the Committee a Chairperson and a Vice-Chairperson. The duties of the Chairperson and Vice-Chairperson are outlined in the attached preliminary committee bylaws and include presiding at all regular and special meetings, representing the Committee at all functions and activities, calling special meetings when necessary, and setting meeting agendas in coordination with County staff. Alternatively, the Board may wish to allow the Committee to select a Chairperson and Vice-Chairperson at their first meeting, which was the method used during the previous Charter review process.

Options:

1. Approve the appointment of two members per Commissioner to the Leon County Citizen Charter Review Committee.
2. Approve the preliminary committee bylaws to be presented to the Leon County Citizen Charter Review Committee for adoption at their first meeting on November, 9, 2017 (Attachment #1).
3. Appoint a Chairperson and a Vice-Chairperson from among the members of the Leon County Citizen Charter Review Committee.
4. Direct the Leon County Citizen Charter Review Committee to appoint a Chairperson and Vice-Chairperson at their first meeting on November, 9, 2017.
5. Board direction.

Recommendation:

Option #1, #2, and either Option #3 or #4.

Attachments:

1. Preliminary Committee Bylaws
2. Robert Buccellato application
3. Elizabeth Ellis application
4. Reginald Ellis application
5. Michael Eurich application
6. Neil Fleckenstein application
7. Kenneth Hart application
8. Lee Hinkle application
9. Shane Hopkins application
10. Catherine Jones application
11. Tena Pate application
12. Anice Prosser application
13. James Revell application
14. Jeremy Smith application
15. Gordon Thames application
16. Kim Williams application
17. George Smith application

BYLAWS OF THE LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE

In order to govern its function and operation in a manner consistent with the Home Rule Charter of Leon County, Florida approved by the electorate of Leon County on the 5th day of November 2002 and subsequently amended on the 2nd day of November 2010, the Leon County Citizens Charter Review Committee (hereinafter the “Committee”) hereby adopts the following Bylaws.

It shall be the duty of the Citizen Charter Review Committee to carry out the following charge: To review the Home Rule Charter of Leon County, Florida and propose any amendments or revisions for consideration by the Board of County Commissioners (BCC) which may be advisable for placement on the general election ballot.

ARTICLE I. APPLICABLE FLORIDA LAWS AND BCC POLICIES

Section 1.1 Public Records Law and E-Mails: Each member of the Committee shall comply with the Florida’s Public Records Law, Chapter 119, Florida Statutes, and Leon County BCC Policy 96-4, “Policy on Public Records Law and E-Mail”, as may be amended from time to time, and each member of the Committee shall be provided a copy of BCC Policy 96-4.

Section 1.2 Government In the Sunshine Law: Each member of the Committee shall comply with the Florida Government in the Sunshine Law, Chapter 286, Florida Statutes, as may be amended from time to time.

Section 1.3 Code of Ethics: The Committee shall comply with the following state laws and BCC Policies with regard to the Florida Code of Ethics for Public Officers and Employees:

Clause 1.3.1 Each member of the Committee shall comply with Section 112.3143, Florida Statutes, “Voting Conflicts”, as may be amended from time to time, and shall be provided a copy of Section 112.3143.

Clause 1.3.2 Each member of the Committee shall abide by the Standards of Conduct set forth in Section 112.313, Florida Statutes, as may be amended from time to time, and shall be provided a copy of Section 112.313, Florida Statutes.

ARTICLE II. OFFICERS AND DUTIES

Section 2.1 The Chairperson and Vice-Chairperson shall serve until the dissolution of the Committee and assume the following powers and duties:

Clause 2.1.1 The Chairperson shall preside at all regular and special meetings of the Committee.

Clause 2.1.2 The Chairperson shall represent the Committee at all functions and activities so requiring (but without authority to state any position of the Committee not previously approved).

Clause 2.1.3 The Chairperson shall call special meetings when necessary;

Clause 2.1.4 The Chairperson shall set meeting agendas in coordination with County staff.

BYLAWS OF THE LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE

Section 2.2 In the event of the Chairperson's absence, or at the direction of the Chairperson, the Vice-Chairperson shall assume the powers and duties of the Chairperson.

Section 2.3 In the event that either the Chairperson or the Vice-Chairperson is unable to complete their terms, a replacement from among its members should be appointed as soon as reasonably possible.

ARTICLE III. TERM OF MEMBERS

Section 3.1 Each member shall serve on the Committee for 120 days or upon the completion of the Committee's work.

ARTICLE IV. ATTENDANCE AND REPLACEMENT OF MEMBERS

Section 4.1 **Attendance at Meetings:** Regular attendance and attention to the business of the Committee is expected. The seat of any member who fails to attend three consecutive regular meetings, without previous notification, shall be presumed vacant, and the Chairperson shall report that fact to the County Commissioner who appointed the member, for confirmation that a vacancy exists. Vacancies shall be filled in the same manner as initial appointments.

ARTICLE V. MEETINGS

Section 5.1 **Regular Meetings:** The Committee shall hold weekly meetings on Thursdays. Such regular meetings shall be held at **the Leon County Courthouse**. The duration of meetings shall not exceed **two** hours unless extended by a majority vote of the Committee. In order to expedite meetings, the Chairperson may place time limits on discussion of agenda items.

Section 5.2 **Special Meetings:** The Chairperson or any seven (7) members of the Committee may call a special meeting of the Committee to discuss any issue properly before the Committee. Such special meeting may be convened only after notification is given to each member of the Committee and after public notice is given no later than forty-eight (48) hours before the special meeting is scheduled to begin.

Section 5.3 **Public Participation:** The Committee will consider public comment on all substantive agenda items. Under the agenda item of "Remarks of Interested Citizens", interested citizens shall be afforded an opportunity to comment on matters before the Committee. The remarks of any citizen should be germane to the agenda or matters to come before the Committee. Each agenda shall include a point during the meeting at which "Remarks of Interested Citizens" may be made. Each citizen addressing the Committee is asked to observe the general rules of courtesy and civility, and to avoid repetition of other speakers. Citizens are asked to limit their comments to five minutes in the interest of fairness to all citizens desiring to be heard, although this requirement may be waived at the discretion of the Chairman for good cause.

Section 5.4 **Meeting Agendas:** County staff shall assist the Chairperson of the Committee in developing an agenda for each meeting of the Committee. The agenda for regular meetings of the Committee shall be generally as follows, subject to amendment or revision by the Committee Chairperson or a majority of the members present:

BYLAWS OF THE LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE

- I. Call to Order
- II. Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
- V. Reports of Chairperson (if any)
- VI. Presentations by Invited Guests
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
- IX. New Business
- X. Adjournment with Day Fixed for Next Meeting

Section 5.5 Official Acts and Quorum: Any and all official acts by the Committee shall require a majority vote of the members present and voting except as otherwise set forth in these bylaws. However, the Committee shall take no such action unless a quorum is present at the meeting. In order to constitute a quorum, there must be a majority of the Committee's current membership present at the meeting. The minutes of the meeting shall reflect the number of affirmative votes on a motion and shall specify the names of any members voting against the motion.

No member of the Committee shall have the power to vote by proxy. Only those members physically present shall be entitled to vote. Telephonic participation is not permitted.

Section 5.6 Meeting Minutes: Minutes shall be taken at all regular and special meetings of the Committee. Minutes of committee proceedings shall be filed with the County in accordance with BCC Policy No. 03-15, "Board-Appointed Advisory Committees."

Section 5.7 Procedure: Roberts' Rules of Order Revised shall govern the procedure of all meetings.

ARTICLE VI. DELIBERATIONS

Section 6.1 The Committee shall conduct meetings in three phases: (1) Issues Agendas, (2) Decision Agendas, and (3) Public Hearings and Transmittal.

Clause 6.1.1 Issues Agenda: During the first phase of meetings, the Committee shall, identify policy issues for discussion and potential recommendations to the BCC for placement on the general election ballot. By simple majority vote, the Committee shall approve policy issues to be considered and schedule Issues Agenda meetings at which the approved issues shall be discussed. Prior to completion of Issues Agenda meetings, additional policy issues may be added and scheduled upon the request of four or more members.

After completion of the scheduled Issues Agenda meetings but not later than January 11, 2018, additional issues may be scheduled with the concurrence of a majority of the Committee.

Any issue may be stricken from further consideration at Issues Agenda meetings by a majority of those members present, but not less than seven members.

Clause 6.1.2 Decision Agenda: By a simple majority vote, the Committee shall approve those issues to be discussed during the second phase of meetings and schedule Decision

BYLAWS OF THE LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE

Agenda meetings at which sample text of proposed amendments shall be considered. After a proposed amendment has been discussed, the Committee may, by a majority of those members present, direct County staff to prepare proposed amendments for review and discussion at public hearings.

Clause 6.1.3 Public Hearings and Transmittal: The Charter requires the Committee to hold at least three public hearings prior to submitting amendments to the BCC in accordance with Section 125.63, F.S. After all necessary hearings, the Committee shall amend (if necessary) and approve, the proposed Charter amendments, ballot titles, and summaries for recommendation to the BCC with the concurrence of two-thirds of those present but not less than 10 members.

By two-thirds of those present but not less than 10 members, the Committee shall direct the Chairperson to transmit the proposed amendments, ballot titles, and summaries to the BCC ninety (90) days prior to the general election in order for the special election on the proposed Charter amendments to be held simultaneously with the general election.

ARTICLE VII. POLICY ON PUBLICITY

Section 7.1 Public statements by the Committee shall be coordinated through the Chairperson and County staff. Members of the Committee may make public or private statements of their personal feelings, attitudes or beliefs at any time. In making such statements, however, members of the Committee shall on every occasion make an affirmative statement that their views are not represented as the views of the Committee as a whole. The Chairperson of the Committee shall be responsible for announcing the adopted positions of the Committee.

ARTICLE VIII. AMENDMENTS TO BYLAWS

Section 8.1 Amendments: These rules and policies shall be presented by staff and adopted as the bylaws of the Committee at their first meeting. The Bylaws may be amended by an affirmative vote of two-thirds of the entire Committee.

Section 8.2 Approval: The Amended Bylaws shall become effective upon the approval of the County Attorney as to the legality of the form and content of such amendment.

Approved As To Legality of Form and Content:

County Administrator's Office

County Attorney's Office

BY: _____

BY: _____


Vincent S. Long
County Administrator

Herbert W. A. Thiele
County Attorney

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

CITIZEN CHARTER REVIEW COMMITTEE

Attachment #2
Page 1 of 2

<p>It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov</p> <p>Applications will be discarded if no appointment is made after two years.</p>		
Name: Robert BUCCELLATO		Date: 7/10/2017 4:00:50PM
Home Phone: (850) 408-0832	Work Phone: (850)606-5000X4097	Email: bobbybuccellato49@gmail.com
Occupation: EXECUTIVE ASSISTANT	Employer: CLERK OF THE COURTS	
Preferred mailing location: Home Address		
Work Address: 301 S MONROE SUITE 100		
City/State/Zip: TALLAHASSEE, FL 32301		RCBuccellato@leoncountyfl.gov
Home Address 2131 VICTORY GARDEN LANE		
City/State/Zip: TALLAHASSEE, FL 32301		
Do you live in Leon County? Yes If yes, do you live within the City limits? Yes		
Do you own property in Leon County? No If yes, is it located within the City limits?		
For how many years have you lived in and/or owned property in Leon County? 18 years		
Are you currently serving on a County Advisory Committee? No		
If yes, on what Committee(s) are you a member?		
Have you served on any previous Leon County committees? No		
If yes, on what Committee(s) are you a member?		
<p>The Citizen Charter Review Committee will convene on November 9, 2017 and meet weekly on Thursdays thereafter for a period of no more than 120 days to review the County Charter and propose any amendments or revisions for consideration by the Board for placement on the 2018 General Election Ballot. Are you able to serve on the Committee for this length of time and attend meetings regularly?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.</p> <p>Race: Caucasian Sex: Age: 30.00</p> <p>Disabled? No District: District 5</p>		
<p>In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.</p> <p>BS DEGREE FSU 2013</p> <p>EXECUTIVE ASSISTANT TO THE CLERK OF COURTS LEON COUNTY</p> <p>AUTHOR OF FOUR PUBLISHED BOOKS</p>		

References (you must provide at least one personal reference who is not a family member):

Name: KRISTY MICKLER
Address: 301 S MONROE

Telephone: 606-4055

Name: CATHY MILLS
Address: 301 S MONROE

Telephone: 606-4003

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: robert buccellato

This application was electronically sent: 7/10/2017 4:00:50PM

Attachment #3
Page 1 of 2

References (you must provide at least one personal reference who is not a family member):

Name: JACK CAMPBELL Telephone: 8506066000
Address: 301 S. MONROE ST., STE 475, TALLAHASSEE FL 32301

Name: BILL MONTFORD Telephone: 8504885099
Address: 208 S. MONROE ST., TALLAHASSEE FL 32301

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.


All statements and information provided in this application are true to the best of my knowledge.

Signature: Elizabeth Ellis

This application was electronically sent: 7/13/2017 2:27:56PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

CITIZEN CHARTER REVIEW COMMITTEE

<p>It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov</p> <p>Applications will be discarded if no appointment is made after two years.</p>			
Name: Reginald Ellis		Date: 9/23/2017 11:09:26AM	
Home Phone: (901) 233-0212	Work Phone: (850)412-5544X	Email: reginald.ellis@fam.u.edu	
Occupation: ASSOCIATE PROFESSOR	Employer: FLORIDA A&M UNIVERSITY		
Preferred mailing location: Home Address Work Address: 515 ORR DIVE 408 TUCKER HALL City/State/Zip: TALLAHASSEE, FL 32307			
Home Address 2002 TRESCOTT DRIVE City/State/Zip: TALLAHASSEE, FL 32307			
Do you live in Leon County? Yes If yes, do you live within the City limits? Yes Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes For how many years have you lived in and/or owned property in Leon County? 9 years			
Are you currently serving on a County Advisory Committee? No If yes, on what Committee(s) are you a member?			
Have you served on any previous Leon County committees? No If yes, on what Committee(s) are you a member?			
<p>The Citizen Charter Review Committee will convene on November 9, 2017 and meet weekly on Thursdays thereafter for a period of no more than 120 days to review the County Charter and propose any amendments or revisions for consideration by the Board for placement on the 2018 General Election Ballot. Are you able to serve on the Committee for this length of time and attend meetings regularly?</p> <p> <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No </p>			
<p>(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.</p> <p> Race: African American Sex: Male Age: 37.00 Disabled? No District: District 4 </p>			
<p>In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.</p> <p>PLEASE FIND ATTACHED MY CURRICULUM VITAE.</p>			

References (you must provide at least one personal reference who is not a family member):

Name: DR. DAVID H. JACKSON, JR. Telephone: 850-322-2856
Address: 515 ORR DRIVE, 469 TUCKER HALL, TALLAHASSEE FL 32307

Name: BARBARA BOONE Telephone: 850-512-3112
Address: PO BOX 1639, TALLAHASSEE FL 32302

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Dr. Reginald K. Ellis

This application was electronically sent: 9/23/2017 11:09:26AM

Attachment #5
Page 1 of 2

References (you must provide at least one personal reference who is not a family member):

Name: ELIZABETH DOLAN
Address: 2117 TRESPOTT 32308

Telephone: 850/879-2108

Name: WILLIAM WERTMAN
Address: 1723 MAHAN CENTER BLVD 32308

Telephone: 850/322-5548

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.


Signature: Michael A Eurich

This application was electronically sent: 9/7/2017 7:44:56AM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

CITIZEN CHARTER REVIEW COMMITTEE

Attachment #6
Page 1 of 8

<p>It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov</p> <p>Applications will be discarded if no appointment is made after two years.</p>		
Name: Neil Fleckenstein		Date: 8/24/2017 3:06:36PM
Home Phone: (850) 728-6235	Work Phone: (850)891-4153X335	Email: neil@talltimbers.org
Occupation: LAND USE PLANNER	Employer: TALL TIMBERS RESEARCH INC.	
Preferred mailing location: Work Address		
Work Address: 13093 HENRY BEADEL DR		
City/State/Zip: TALLAHASSEE, FL 32312		
Home Address 757 HUNTER STREET		
City/State/Zip: TALLAHASSEE, FL 32303		
Do you live in Leon County? Yes If yes, do you live within the City limits? Yes		
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes		
For how many years have you lived in and/or owned property in Leon County? 25 years		
Are you currently serving on a County Advisory Committee? Yes		
If yes, on what Committee(s) are you a member? CITIZEN'S MULTI-MODAL TRANSPORTATION COMM		
Have you served on any previous Leon County committees? No		
If yes, on what Committee(s) are you a member?		
<p>The Citizen Charter Review Committee will convene on November 9, 2017 and meet weekly on Thursdays thereafter for a period of no more than 120 days to review the County Charter and propose any amendments or revisions for consideration by the Board for placement on the 2018 General Election Ballot. Are you able to serve on the Committee for this length of time and attend meetings regularly?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.</p> <p>Race: Caucasian Sex: Male Age: 52.00</p> <p>Disabled? No District: District 5</p>		
<p>In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.</p> <p>SEE ATTACHED RESUME</p>		

References (you must provide at least one personal reference who is not a family member):

Name: NANCY MULLER Telephone: 850-591-1189
Address: 1527 PAYNE STREET TALLAHASSEE FL 32303

Name: KEVIN MCGORTY Telephone: 850-893-4153
Address: 13093 HENRY BEADEL DR TALLAHASSEE, FL 32312

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) Yes
If yes, please explain. I WORK FOR A LAND CONSERVANCY WHICH HAS CONSERVATION INTERESTS

IN LEON COUNTY. WHILE UNLIKELY, IT IS CONCEIVABLE A SITUATION COULD ARISE WHICH COULD REQUIRE ME TO ABSTAIN FROM VOTING ON A PARTICULAR ISSUE.
4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No

If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority?
No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Neil Fleckenstein

This application was electronically sent: 8/24/2017 3:06:36PM

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL <u>Fleckenstein Neil A.</u>		OFFICE / POSITION HELD
MAILING ADDRESS <u>13093 Henry Beadle Drive</u>		AGENCY OR ADVISORY BOARD <u>Charter Review Committee</u>
CITY <u>Tallahassee</u>	ZIP <u>FL</u>	COUNTY <u></u>
		ADDRESS OF AGENCY <u></u>

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- **Fill out** Part A or Part B, as applicable.
- **Sign** and date the form on the reverse side.
- **File Part A** with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- **File Part B** with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a *particular instance* provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; and (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) of (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable* to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

- The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - (☒) The reporting person;
 - () The spouse of the reporting person, whose name is _____; or
 - () A child of the reporting person, whose name is _____.
- The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - (☒) Supplying the following realty, goods, and/or services: Leasing several acres of land for 99 years for \$1 for construction of a rural fire station
 - () Regulation of the business entity by the governmental agency served by the advisory board member.
- The following business entity is doing business with or regulated by the governmental agency:

- The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
 - () Officer; () Partner; () Associate; () Sole proprietor; () Stockholder; () Director; () Owner of in excess of 5% of the assets of capital stock in such business entity; (☒) Employee; () Contractual relationship with the business entity;
 - () Other, please describe:

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable*.


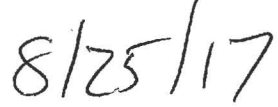
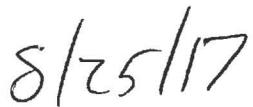
PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - ☐ The reporting person;
 - ☐ The spouse of the reporting person, whose name is _____; or
 - ☐ A child of the reporting person, whose name is _____.
2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

(NAME OF ENTITY)	(ADDRESS OF ENTITY)
------------------	---------------------
4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
 - ☐ Officer; ☐ Partner; ☐ Associate; ☐ Sole proprietor; ☐ Stockholder; ☐ Director; ☐ Owner of in excess of 5% of the assets or capital stock in such business entity; ☐ Employee; ☐ Contractual relationship with the business entity;
 - ☐ Other, please describe:

SIGNATURE

SIGNATURE	DATE SIGNED	DATE FILED
		

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES s. 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

From: Mary Smach
To: neil@talltimbers.org
Date: 8/25/2017 10:46 AM
Subject: Application Received
Attachments: Disclosure Form4a.pdf; Form 8B Abstain from Voting.pdf

Hi Mr. Fleckenstein,

Thank you for your interest in serving on the Citizen Charter Review Committee. Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We received your application and have several vacancies on the Committee. I will forward your application to the appropriate personnel. The Citizen Charter Review Committee will convene on November 9, 2017 and meet weekly on Thursdays thereafter for a period of no more than 120 days to review the County Charter and propose any amendments or revisions for consideration by the Board for placement on the 2018 General Election Ballot.

Please complete the disclosure Form 4A (see email below) and return it to me at your earliest convenience.

In addition, should the situation arise that you would need to abstain from voting while serving on the Committee, attached is Form 8B, to be completed by any member who abstains from a vote due to voting conflicts. The Citizen Committee Member "*....must make every reasonable effort to file a memorandum of voting conflict with the recording secretary in advance of the vote.*" If I can be of any further assistance please feel free to contact me.

Regards,

Mary Smach
Agenda Coordinator
Leon County Administration
301 S. Monroe St. Suite 502
Tallahassee, FL 32301
850-606-5311

www.leoncountyfl.gov

"People Focused. Performance Driven"

Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

>>> Daniel Rigo 8/25/2017 10:22 AM >>>

Mary -- as we just discussed, I coincidentally have a pending matter on my desk which involves the County's proposed lease of property from Tall Timbers for use as a new facility for the Bradfordville Volunteer Fire Department -- although there has been no activity on this lease matter since February, it's been on my to-do list and I've been meaning to follow up with Chad Abrams to get going on it again -- unless something has changed, it's likely that we will be finalizing the lease with Tall Timbers while Mr. Fleckenstein is serving on the Charter Review Committee -- so, because that would be considered as his employer doing business with the County, he will need to fill out a Form 4A disclosure to be included in the agenda item for his appointment by at least a 2/3 vote of the Board.

As far as any voting conflicts that may arise, you are correct that he would simply abstain and submit a Form 8B -- thanks.

DAN RIGO
Assistant County Attorney
Leon County Attorney's Office
Suite 202, 301 South Monroe Street
Tallahassee, Florida 32301
(850) 606-2500 Phone
(850) 606-2501 Fax

Legal Notice: Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

>>> Mary Smach 8/24/17 4:47 PM >>>
Hi Dan & Jessica,

Got this application from Neil Fleckenstein for the Charter Review Committee. He indicated possible voting conflicts, but did not indicate that he is doing business with the County. Does he need to fill out a disclosure Form 4A? Or does he just need to fill out Form 8B if he has to abstain?

Thanks,

Mary Smach
Agenda Coordinator
Leon County Administration
301 S. Monroe St. Suite 502
Tallahassee, FL 32301
850-606-5311

www.leoncountyfl.gov

"People Focused. Performance Driven"

Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

Neil Fleckenstein, AICP

757 Hunter Street • Tallahassee, FL 32303 • (850) 728-6235 • envplnr@gmail.com

SUMMARY OF QUALIFICATIONS

Detail oriented, highly motivated urban planner with experience in environmental and sustainability planning, comprehensive planning, natural resource conservation, and emergency management planning. Extensive experience working with diverse populations; writing and administering grants; coordinating public outreach activities; working with elected and volunteer Boards; and facilitating groups and meetings.

EXPERIENCE

Tall Timbers Land Conservancy Planning Coordinator

July 2006 – Present

Red Hills Planner

April 2002 – July 2006

Tall Timbers Research Station & Land Conservancy (TTLC), Tallahassee, Florida

Served as Tall Timbers planning coordinator responsible for all community and environmental planning activities and issue-based advocacy efforts to ensure the long-term sustainability of the Red Hills region of north Florida and southwest Georgia. The Red Hills was designated by the Nature Conservancy as one of “America’s Last Great Places.”

Program and Project Management: Managed all aspects of the TTLC planning and advocacy program including setting program direction and priorities, strategy development and implementation, public outreach, and fundraising. Managed a wide range of projects including the Red Hills Economic Valuation of Ecosystem Services, Red Hills Cost of Community Services, Red Hills Economic Impact Analysis, Albany Quail Lands Economic Impact Analysis, and Ochlockonee River and Aucilla River publication projects. Collaborated with partners on successful advocacy efforts with the goal of ensuring the sustainability of the region’s agricultural lands, rural landscapes, and natural resource base. These efforts included working collaboratively to maintain rural land use protections and rural character in Red Hills counties in response to: challenges posed by incompatible development, potential policy changes inconsistent with rural and agricultural stewardship, and incompatible infrastructure including natural gas pipelines, a coal-fired power plant, the Red Hills Coastal Parkway, and a commercial water bottling facility (all of which were withdrawn).

Policy Analysis and Development: Worked closely with local governments and the public developing and improving comprehensive plans, land use and growth management policies, and regional transportation plans with emphasis on sustainable growth, rural land protection, and conservation. Analyzed local and state policy and private and public sector development proposals to evaluate potential impact to TTLC conservation interests and presented results to Tall Timbers Board of Trustees for action.

Grant Writing and Administration: Successfully secured and administered more than 30 governmental and private foundation grants totaling over \$1.7 million. Raised an additional \$300,000 for the Red Hills Awareness Program. The TTLC Planning and Advocacy program received over \$1 million in additional private donations to support planning and advocacy efforts based on the program’s record of success protecting the Red Hills region.

Leadership and Volunteer: Past chair of the Big Bend Environmental Forum; past chair of the Citizen Advisory Committee of Capital Region Transportation Planning Agency; past chair of the Blueprint Citizen's Advisory Committee; Leadership Thomasville graduate.

Select Publications: The Economic Impact of the Red Hills Region, 2013; Valuing Ecosystem Services in the Red Hills Region of Southwest Georgia and North Florida, 2012; The Cost of Community Services: The Value of Agricultural Lands & Open Space in the Red Hills Region of Southwest Georgia and North Florida, 2004.

Senior Planner

March 1998 – April 2002

Regional Planner

Sept. 1995 – March 1998

Apalachee Regional Planning Council, Blountstown, Florida

Coordinated all aspects of the Planning Council's emergency management and hazard mitigation planning programs in order to enhance the region's ability to prepare for, respond to, and recover from disasters. Also responsible for providing growth management and environmental planning services throughout a nine-county region.

Program and Project Management: Responsible for setting program direction and priorities, public outreach, and fundraising. Managed numerous projects including development of three county emergency management plans, three hazard mitigation plans, and six major hazardous materials planning projects funded by the federal government.

Training and Exercises: Took over as planning and training coordinator for an underperforming Local Emergency Planning Committee (LEPC), which within three years was the second leading LEPC in hazardous materials response training in Florida. Coordinated full-scale emergency exercises for law, fire, emergency medical services, and emergency management personnel.

Grant Writing and Administration: Successfully wrote and administered more than \$700,000 in funded state and federal grants for the Planning Council and other organizations.

Leadership: Served as Coordinator of a 25-person Local Emergency Planning Committee; served on Florida's Hazardous Materials Training Task Force and Florida's Regional Response Team Workgroup; worked on six declared disasters.

EDUCATION

Master of Science, Urban and Regional Planning (Environmental Planning), Florida State University
Bachelor of Arts, Political Science, University of South Florida

CERTIFICATION

American Institute for Certified Planners; pursuing LEED Green Associate certification

References Available Upon Request

Attachment #7
Page 1 of 2

References (you must provide at least one personal reference who is not a family member):

Name: DUBY AUSLEY Telephone: 850-425-5433
Address: P.O. BOX 391 TALLAHASSEE, FL. 32302

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1.) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form No
(Your application will only be considered for those committees/boards/authorities that do not require members to complete the Financial Disclosure Form 1.)

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? Yes
If yes, please explain. MY LAW FIRM AND I OCCASIONALLY DO LEGAL WORK FOR COUNTY

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.


Signature: Kenneth Hart

This application was electronically sent: 6/28/2017 3:54:04PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

CITIZEN CHARTER REVIEW COMMITTEE

Attachment #8
Page 1 of 3

<p>It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov</p> <p>Applications will be discarded if no appointment is made after two years.</p>		
Name: Lee Hinkle		Date: 9/1/2017 10:48:47AM
Home Phone: (850) 591-8070	Work Phone: ()-X	Email: lfinkle@comcast.net
Occupation: RETIRED	Employer: NA	
Preferred mailing location: Home Address		
Work Address: 824 GREENBRIER LANE		
City/State/Zip: TALLAHASSEE, FL 32308-3393		
Home Address 824 GREENBRIER LANE		
City/State/Zip: TALLAHASSEE, FL 32308-3393		
Do you live in Leon County? Yes	If yes, do you live within the City limits? Yes	
Do you own property in Leon County? Yes	If yes, is it located within the City limits? Yes	
For how many years have you lived in and/or owned property in Leon County?		50 years
Are you currently serving on a County Advisory Committee? No		
If yes, on what Committee(s) are you a member?		
Have you served on any previous Leon County committees? No		
If yes, on what Committee(s) are you a member?		
<p>The Citizen Charter Review Committee will convene on November 9, 2017 and meet weekly on Thursdays thereafter for a period of no more than 120 days to review the County Charter and propose any amendments or revisions for consideration by the Board for placement on the 2018 General Election Ballot. Are you able to serve on the Committee for this length of time and attend meetings regularly?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.</p> <p>Race: Caucasian Sex: Female Age: 68.00</p> <p>Disabled? No District: District 3</p>		
<p>In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.</p>		

PRIOR TO HER RETIREMENT MS HINKLE SERVED AS FLORIDA STATE UNIVERSITY'S VICE PRESIDENT FOR UNIVERSITY RELATIONS. MS. HINKLE WAS RESPONSIBLE FOR THE UNIVERSITY'S OUTREACH TO ALUMNI, FRIENDS, FANS AND THE COMMUNITY. HER DUTIES INCLUDED SUPERVISION OF THE FSU FOUNDATION, SEMINOLE BOOSTERS, ALUMNI ASSOCIATION, GOVERNMENT RELATIONS AND UNIVERSITY COMMUNICATIONS. IN ADDITION, SHE WAS RESPONSIBLE FOR THE UNIVERSITY'S SPECIAL EVENTS AND COMMUNITY RELATIONS.

MS. HINKLE HAS MORE THAN FOUR DECADES OF EXPERIENCE ADVOCATING FOR POSITIVE CHANGE ON PUBLIC POLICY ISSUES AFFECTING FLORIDA'S CITIZENS. HER EXPERTISE INCLUDES GOVERNMENT AFFAIRS, POLITICAL STRATEGY, PUBLIC POLICY DEVELOPMENT, PUBLIC RELATIONS AND MARKETING.

PRIOR TO BEING NAMED VICE PRESIDENT FOR UNIVERSITY RELATIONS IN APRIL 2003, MS. HINKLE WAS A GOVERNMENTAL AND PUBLIC AFFAIRS CONSULTANT. HER CAREER HAS INCLUDED SERVING AS PRESIDENT AND CHIEF EXECUTIVE OFFICER FOR FLORIDA FREE, A POLITICAL RESEARCH ORGANIZATION. SHE WAS SENIOR VICE PRESIDENT FOR GOVERNMENT AFFAIRS OF THE FLORIDA CHAMBER OF COMMERCE, WHERE SHE WAS RESPONSIBLE FOR DESIGNING AND IMPLEMENTING LONG-TERM STRATEGIC ADVOCACY AND GRASSROOTS PROGRAMS. SHE ALSO WORKED AS DIRECTOR OF GOVERNMENT RELATIONS FOR THE HOSPITAL CORPORATION OF AMERICA.

BORN IN MAINE, MS. HINKLE WAS RAISED IN HILLSBOROUGH COUNTY, FLORIDA. SHE EARNED HER BACHELOR OF SCIENCE DEGREE FROM FLORIDA STATE UNIVERSITY.

MS. HINKLE HAS SERVED ON NUMEROUS BOARDS AND BEEN ACTIVELY INVOLVED IN COMMUNITY SERVICE THROUGHOUT HER CAREER. IN 2001, SHE RECEIVED A GUBERNATORIAL APPOINTMENT TO SERVE AS VICE CHAIR OF THE INAUGURAL FLORIDA STATE UNIVERSITY BOARD OF TRUSTEES. MS. HINKLE ALSO SERVED AS A MEMBER OF THE FLORIDA COMMISSION ON ETHICS; IS PAST PRESIDENT, CHAIRMAN AND CURRENT BOARD MEMBER OF CAPITAL TIGER BAY CLUB. SHE IS A MEMBER OF LEADERSHIP FLORIDA AND SERVED ON THE FLORIDA ADVISORY COUNCIL FOR THE TRUST FOR PUBLIC LAND. SHE CURRENTLY SERVES ON THE TALLAHASSEE MEMORIAL HEALTHCARE BOARD OF DIRECTORS.

MS. HINKLE IS ALSO THE RECIPIENT OF SEVERAL HONORS AND AWARDS, INCLUDING THE CIRCLE OF GOLD FROM THE FLORIDA STATE UNIVERSITY ALUMNI ASSOCIATION, THE ALUMNI RECOGNITION AWARD FROM FSU'S COLLEGE OF HUMAN SCIENCE, PHI KAPPA PHI, AND THE SPOTLIGHT AWARD PRESENTED BY THE TALLAHASSEE CHAPTER OF WOMEN IN COMMUNICATION.

MS. HINKLE RESIDES IN TALLAHASSEE.

References (you must provide at least one personal reference who is not a family member):

Name: MARK O'BRYANT Telephone: 850 431-3635
Address: 1300 MICCOSUKEE RD, TALLAHASSEE, FL 32308

Name: MARTHA BARNETT Telephone: 850 933-5620
Address: 1901 MILLER LANDING RD, TALLAHASSEE, FL 32312

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form No
(Your application will only be considered for those committees/boards/authorities that do not require members to complete the Financial Disclosure Form 1.)

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority?
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.


Signature: Lee Hinkle

This application was electronically sent: 9/1/2017 10:48:47AM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

CITIZEN CHARTER REVIEW COMMITTEE

Attachment #9
Page 1 of 2

<p>It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov</p> <p>Applications will be discarded if no appointment is made after two years.</p>	
---	---

Name: Shane Hopkins		Date: 8/30/2017 6:53:54AM
Home Phone: (850) 556-1690	Work Phone: (-)-X	Email: hopfamily@msn.com
Occupation: FIREFIGHTER	Employer: TALLAHASSEE FIRE DEPT	
Preferred mailing location: Home Address		
Work Address:		
City/State/Zip: TALLAHASSEE, FL		
Home Address 18557 TALQUIN DR		
City/State/Zip: TALLAHASSEE, FL 32310		
Do you live in Leon County? Yes	If yes, do you live within the City limits? No	
Do you own property in Leon County? Yes	If yes, is it located within the City limits? No	
For how many years have you lived in and/or owned property in Leon County?		41 years
Are you currently serving on a County Advisory Committee? No		
If yes, on what Committee(s) are you a member?		
Have you served on any previous Leon County committees? No		
If yes, on what Committee(s) are you a member?		

The Citizen Charter Review Committee will convene on November 9, 2017 and meet weekly on Thursdays thereafter for a period of no more than 120 days to review the County Charter and propose any amendments or revisions for consideration by the Board for placement on the 2018 General Election Ballot. Are you able to serve on the Committee for this length of time and attend meetings regularly?

☒ Yes

☐ No

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian

Sex: Male

Age:

50.00

Disabled? No

District: District 2

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

I HAVE NEVER SAT ON A PUBLIC COMMITTEE ALTHOUGH I HAVE PARTICIPATED ON THE APPARATUS & BOAT COMMITTEES FOR TFD WHICH DUTIES INCLUDED DESIGN & FEATURES OF NEW FIRE APPARATUS TO BE PURCHASED & IMPLEMENTATION OF AN WATER RESCUE OPERATIONAL PLAN RESPECTIVELY. I AM HIGH SCHOOL GRADUATE & CURRENTLY A STATE CERTIFIED FIREFIGHTER AS WELL AS A STATE LICENSED EMT. IN ADDITION I HAVE ALSO COMPLETED THE REQUIREMENT FOR FIRE OFFICER 1. I PERSONALLY DO NOT SEE MYSELF AS ONE POSSESSING ANY ONE THING THAT PARTICULARLY WOULD BE A CONTRIBUTION TO THE COMMITTEE. IF CHOSEN I WILL TAKE THE INFORMATION SUPPLIED & OFFER AN INFORMED OPINIONS & COMMENTS. COMMISSIONER JACKSON ASKED IF I WOULD BE WILLING TO SERVE ON THIS COMMITTEE. AS A LIFE LONG FRIEND & WITH HIS SUCCESSFUL ELECTION TO THE COMMISSION, I HAVE TAKEN A KEENER INTEREST IN THE OPERATION OF LOCAL GOVERNMENT. IT SHOULD ALSO BE KNOWN THAT IF SELECTED TO SERVE DUE TO A PREVIOUSLY SCHEDULED TRIP, I WILL NOT BE AVAILABLE FOR THE 11/09/2017 MEETING. ADDITIONALLY, DUE TO SHIFT WORK, SOME MEETING WOULD BE MISSED AS WELL.

References (you must provide at least one personal reference who is not a family member):

Name: JIMBO JACKSON

Telephone: 850.606.5362

Address: 301 S. CALHOUN ST

Name:

Telephone:

Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

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Yes

2.) Are you willing to complete a financial disclosure form No

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If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No

If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority?

No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Shane Hopkins

This application was electronically sent: 8/30/2017 6:53:54AM

Attachment #10
Page 1 of 3

References (you must provide at least one personal reference who is not a family member):

Name: ALLISON CARVAJAL Telephone: 850-321-7090
Address: 3396 DEER LANE DRIVE 32312

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

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1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
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2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

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6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Catherine R. Jones

This application was electronically sent: 9/25/2017 12:21:07PM

Florida Commission on Ethics

Public Records Exemption Request

Florida law provides that an agency shall treat social security numbers, bank account numbers, and debit, charge, and credit card numbers as automatically exempt from public disclosure. In addition, Florida law allows **eligible persons** to request in writing that a non-employing agency maintain as exempt from public disclosure certain identification and/or location information contained in records within the agency's custody.

The person entitled to the additional exemptions **must** submit a written request **directly** to this agency to maintain the exemption to the records in our custody. § 119.071(4)(d)3., F.S. You are not required to use this form; however doing so will help us in keeping your information confidential. Please return this completed form **or** a written request to: *Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709.*

If you or your spouse qualify; or if you are the child of someone who qualifies; you are eligible to receive additional public records exemptions. Please check the box for any of the following that apply:

Active or Former:

- ☒ Sworn or civilian law enforcement personnel, including correctional and correctional probation officers.
- ☐ Department of Children and Families personnel whose duties include investigating abuse, neglect, exploitation, fraud, theft, or other criminal activities.
- ☐ Department of Health personnel whose duties are to support the investigation of child abuse or neglect.
- ☐ Department of Revenue or local government personnel whose responsibilities include revenue collection and enforcement or child support enforcement.

- ☐ Guardian ad litem, as defined in s. 39.820, F.S.*
- ☐ Juvenile probation officer, juvenile probation supervisor, detention superintendent, assistant detention superintendent, juvenile justice detention officers I and II, juvenile justice detention officer supervisor, juvenile justice residential officer, juvenile justice residential officer supervisors I and II, juvenile justice counselor, juvenile justice counselor supervisor, human services counselor administrator, senior human services counselor administrator, rehabilitation therapist, or social services counselor of the Department of Juvenile Justice.

Current or Active:

- ☐ Firefighter certified in compliance with s. 633.408, F.S.
- ☐ General magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support enforcement hearing officer.*
- ☐ County Tax Collector.*

- ☐ Department of Business and Professional Regulation investigator or inspector.*
- ☐ Department of Health personnel whose duties include, or result in, determining or adjudicating eligibility for social security disability benefits, investigating or prosecuting complaints filed against health care practitioners, or inspecting health care practitioners or health care facilities licensed by the Department of Health.*

Current or Former:

- ☐ Department of Financial Services nonsworn investigative personnel whose duties include investigating fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations.
- ☐ Supreme Court Justice, or judge of district court of appeal, circuit court, or county court.
- ☐ State attorney, assistant state attorney, statewide prosecutor, or assistant statewide prosecutor.
- ☐ Public defender, assistant public defender, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel.
- ☐ Human resource, labor relations, or employee relations director, assistant director, manager, or assistant manager of any local government agency or water management district whose duties include hiring/firing employees, labor contract negotiation, administration, or other personnel-related duties.
- ☐ Code Enforcement Officer.

- ☐ Impaired practitioner consultant retained by an agency, or employees of such a consultant, whose duties result in determining a person's skill and safety to practice a licensed profession.*
- ☐ Emergency medical technician or paramedic certified under chapter 401, F.S.*
- ☐ Personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline.*
- ☐ U.S. Attorney or Assistant U.S. Attorney, U.S. Courts of Appeal judge, U.S. district judge, or U.S. magistrate.*
- ☐ Member of the U.S. Armed Forces, a reserve component of the U.S. Armed Forces, or the National Guard, who served after September 11, 2001.*
- ☐ Victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence (if applicable, must attach official verification that crime occurred; exemption applies only to individual victim of specified crime, not to the spouse or child of the victim).**

☒ Yes, I qualify

☐ Yes, my spouse qualifies

☐ Yes, my parent qualifies

Printed Name: Catherine R. Jones

Phone Number: [REDACTED]

The residence address(es) you wish us to maintain as confidential: [REDACTED]

Signature of Requestor: [Signature]

Date: 09/25/2017

* - If this category is selected, person also certifies, by signing this form, that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public.

** - Exemption valid for 5 years from date of request.

Attachment #11
Page 1 of 4

Posted 4:00 p.m. on October 2, 2017

References (you must provide at least one personal reference who is not a family member):

Name: BERNEICE COX Telephone: 850/345-6511
Address: 4568 GROVE PARK DRIVE, TALL., FL 32311

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

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Yes

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If yes, please explain.

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5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Tena M. Pate

This application was electronically sent: 9/23/2017 9:51:08AM

CEO/EXECUTIVE DIRECTOR

Driving excellence in policy and practice as an effective, trusted, and visionary leader focused on teambuilding, communication, and stakeholder collaboration

TENA M. PATE

1948 Queenswood Drive
Tallahassee, FL 32303 | 850.509.4145
tenapate@tenapateandassociates.com
linkedin.com/in/tenapate

EXECUTIVE HIGHLIGHTS

Recognized for innovation, leadership, and commitment to Florida's criminal justice system including advocating for victims and developing policies and programs to ensure the safety of all Floridians.

- ❑ Served Governors Bush, Crist, and Scott and the Florida Cabinet as a trusted and effective state leader in the roles of Chairwoman and Commissioner for the Florida Commission on Offender Review. Previously served as Florida's Victims' Rights Coordinator for Governors Chiles, MacKay, and Bush; served in Chief of Staff offices for Governors Martinez and Chiles.
- ❑ Tapped for positions on statewide public safety boards and task forces including Florida Supreme Court's *Florida Innocence Commission*, Florida Attorney General's *Domestic Violence Fatality Review Team*, and *Self-Inflicted Crimes Task Force*.
- ❑ Selected to serve with national and international efforts including *Association of Paroling Authorities International* and *National Institute of Corrections* addressing reentry, victim, and offender issues.

"Tena Pate is an outstanding leader in every respect. She is dedicated to accomplishing the mission and taking care of her people. Tena embodies the caring, compassionate leader who truly has a heart for every person on the team."

*Bruce Grant, Executive Director
Florida Defense Support Taskforce, Enterprise Florida*

Areas of Expertise:

Advocacy | Public Policy | Leadership | Professional Development | Team Building | Succession Planning
Criminal Justice Policy | Victim and Offender Issues | Clemency | Victims' Rights | Public Speaking
Public Safety | Crime Prevention | State Government | Legislative Relations | Stakeholder Communication
Grassroots Organizing | Community Outreach | Political Campaigns

PROFESSIONAL EXPERIENCE

Tena Pate & Associates, LLC | Tallahassee, FL

2017

CONSULTANT/PRINCIPLE

Deliver consultative services; provide advocacy, lobbying, and education services; assist with community organizing efforts and political campaigns; serve as Subject Matter Expert on a range of leadership, governmental, and criminal justice issues including victims' rights, reentry, crime prevention, victim/offender mediation, and public safety policy.

Florida Commission on Offender Review | Tallahassee, FL

2003-2016

(Formerly Florida Parole Commission)

CHAIR (2010-2016)

COMMISSIONER (2003-2016)

Administered Florida's post-conviction/prison-release process including parole, conditional release, control release, addiction recovery, conditional medical release, revocation matters, death row interviews, and advisory recommendations to the Executive Clemency Board. Served as Commission Chair for six years.

Through work with the Association of Paroling Authorities International and the National Institute of Corrections, addressed services provided to offenders and crime victims by engaging national and global representatives to review standards for services; provided training and education on victims' issues.

Florida Commission on Offender Review, continued

- ❑ Introduced and directed a successful legislative proposal to rename the Florida Parole Commission, better reflecting the agency's current and evolving role as a key player in Florida's criminal justice system.
- ❑ Implemented Servant Leadership and succession planning as key components of the Commission's leadership model, significantly improving employee morale, engagement, and retention.
- ❑ Spearheaded an automation process that decreased lead time for case review and warrant processing.
- ❑ Developed and implemented the position of Inmate Family Coordinator to provide direct services to families of inmates, which improved client satisfaction and the quality/consistency of information disseminated.
- ❑ Secured increased funding and new positions to address the Commission's workload issues related to victims, clemency, and research.
- ❑ Addressed lack of uniformity of services provided to crime victims by engaging global representatives to review and approve standards for victim services; also provided training and education on victims' issues.

Executive Office of the Governor | Tallahassee, FL
(Governors Chiles, MacKay, and Bush)

1993-2003

VICTIM'S RIGHTS COORDINATOR

Served as the Governor's point person on issues impacting victims of crime; responded to crime victims contacting the governor's office; represented the governor at public events; ensured local communities were providing support to crime victims; reviewed agency compliance with services provided to victims. Served as Clemency Assistant and State Attorney Liaison and generated Executive and Ethics Orders.

- ❑ Initiated governor's proposal to require Florida courts to inform crime victims of their rights, which was passed by legislature and signed into law.
- ❑ Elevated Florida as a leader in addressing victims' issues by developing and delivering a multi-pronged solution that included assembling a statewide working group, raising awareness among key stakeholders, creating model policies, and disseminating information and education throughout the state.
- ❑ Scripted and co-produced "Witnesses to Executions," an informative video for survivors of homicide victims who would be attending an execution.
- ❑ Created Survivor of Homicide Victims' memorial wall for annual display at the Capitol during National Crime Victims' Rights Week.

Task Force and Workgroup Appointments:

- ❑ Co-chaired Interagency Workgroup on *Impact of Violence in the Workplace* as Victims' Rights Coordinator, developing model policies that were adopted by Governor Chiles and the Florida Cabinet for use statewide to address workplace violence.
- ❑ Served as vice-chair of *Self-Inflicted Crimes Task Force*, created by the Legislature in 2001 to study the causes of repetitious, self-inflicted criminal behaviors such as illegal drug abuse and prostitution.
- ❑ Staffed *Capital Cases Task Force*, which studied mental retardation and racial disparity issues in the application of the death penalty in Florida.


EDUCATION**Florida State University — BACHELOR OF SCIENCE (B.S.), Criminology****Tallahassee Community College — ASSOCIATE OF ARTS (A.A.)****AWARDS & RECOGNITION**

- ❑ Criminology Distinguished Alumna Award, Florida State University (2015)
- ❑ Gift of Wisdom Award by Women4FSU, Florida State University (2014)
- ❑ APAI's Vincent O'Leary Award (2014)
- ❑ Named a John Maxwell Top 100 Leader (2013)
- ❑ 25 Women to Know, Tallahassee Democrat (2013)
- ❑ Distinguished Service Award in Criminal Justice by Florida Council on Crime & Delinquency (2011)
- ❑ Graduate of Leadership Florida, Leadership Tallahassee, and Florida Criminal Justice Chief Executive Seminar

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

CITIZEN CHARTER REVIEW COMMITTEE

Attachment #12
Page 1 of 4

<p>It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov</p> <p>Applications will be discarded if no appointment is made after two years.</p>		
Name: Anice Prosser		Date: 7/17/2017 1:59:59PM
Home Phone: (850) 509-0082	Work Phone: ()-X	Email: aprosser@envisioncu.com
Occupation: RETIRED	Employer: ENVISION CREDIT UNION	
Preferred mailing location: Home Address		
Work Address:		
City/State/Zip: TALLAHASSEE, FL		
Home Address 2225 PROSER DRIVE		
City/State/Zip: TALLAHASSEE, FL 32310		
Do you live in Leon County? Yes If yes, do you live within the City limits? No		
Do you own property in Leon County? Yes If yes, is it located within the City limits? No		
For how many years have you lived in and/or owned property in Leon County? 45 years		
Are you currently serving on a County Advisory Committee? No		
If yes, on what Committee(s) are you a member?		
Have you served on any previous Leon County committees? No		
If yes, on what Committee(s) are you a member?		
<p>The Citizen Charter Review Committee will convene on November 9, 2017 and meet weekly on Thursdays thereafter for a period of no more than 120 days to review the County Charter and propose any amendments or revisions for consideration by the Board for placement on the 2018 General Election Ballot. Are you able to serve on the Committee for this length of time and attend meetings regularly?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.</p> <p>Race: Caucasian Sex: Female Age: 64.00</p> <p>Disabled? No District: District 2</p>		
<p>In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.</p>		

References (you must provide at least one personal reference who is not a family member):

Name: RAY E CROMER Telephone: 229.273.0577
Address: 123 LINCOLM PINCH WAY, CORDELE GA 31015

Name: SUSAN VANDENBERG Telephone: 850.942.9000
Address: 440 N MONROE STREET, TALLAHASSEE, FL 32301

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Anice R. Prosser

This application was electronically sent: 7/17/2017 1:59:59PM

ANICE R. PROSSER, SPHR
2225 Prosser Drive
Tallahassee, Florida 32310
(850) 509-0082

CAREER SUMMARY

I am a very innovative, analytical **problem-solver** with 35+ years of diverse management, administrative, financial and human resource experience to offer. A proven **leader** with the ability to relate to all levels of an organization, from entry-level to Board of Directors, with experience ranging from front line staff in small business ownership to executive management. I am a creative **thinker** whose participative management style has produced a history of consistently and enthusiastically exceeding goals.

EDUCATION

Florida State University; Tallahassee, Florida
BACHELOR OF SCIENCE - MANAGEMENT, 1991
Tallahassee Community College; Tallahassee, Florida
ASSOCIATE OF ARTS - 1973
SPHR Certification - May, 1997
CCUE Certification - October, 2004

WORK EXPERIENCE

March 28, 2000 -
Present

Envision Credit Union - Tallahassee, FL
CHIEF ADMINISTRATIVE OFFICER
Responsibilities: Plans, organizes and controls the day-to-day activities of the Credit Union that provide support and administrative functions. Responsible for ensuring and improving the performance, productivity, efficiency and profitability of department and organizational operations through the provision of effective methods and strategies. Functions reporting to the Chief Administrative Officer are human resources, training, payroll, technology, administration, loss mitigation, security and facilities.

March 15, 1993 -
August, 25, 2000

Florida Credit Union League, Inc. - Tallahassee, FL
VICE PRESIDENT, HUMAN RESOURCES (1/96)
DIRECTOR, HUMAN RESOURCES (3/15/93-12/31/95)
Responsibilities: Developed HR Department and all functional areas of human resources, including recruitment, benefits, employee relations, training, policies, procedures and compensation. Implemented salary administration program, performance management, 401(k), training and Drug-Free Workplace. Developed external consulting practice for 250+ credit union members including networking groups, executive recruitment, and salary administration plans for member credit unions.

January 1992-
March, 1993

Andrew Jackson Savings Bank - Tallahassee, FL
HUMAN RESOURCE COORDINATOR
Responsibilities: All aspects of the selection process (recruitment, selection and orientation), including development of a hiring policy.

ANICE R. PROSSER, SPHR
2225 Prosser Drive
Tallahassee, Florida 32310
(850) 575-4223

Assisted with Affirmative Action Plan and EEO laws. Developed policy and program for Drug-Free Workplace including supervisor training and employee education. Assisted supervisors in all aspects of human resource management including counseling and coaching; salary increases; performance appraisals; and, discipline and termination. Instrumental in creating and developing job descriptions for all positions within organization. Assisted with development and administration of benefit package for employees. Publish and edit first organizational newsletter, *Regional Rapper*.

February 1988 -
September 1989

Florida Alcohol & Drug Abuse Association, Inc. - Tallahassee, FL
CONTROLLER

Responsibilities: Coordination of all accounting functions Including budget preparation, coordination of internal operations, equipment purchases, benefit oversight, retirement benefits, personnel policies and computer system. Assisted in writing grants and submitted monthly and quarterly federal and state reimbursement reports for grants and contracts.

January 1986 -
August 1972

Tallahassee Nurseries, Inc. - Tallahassee, Florida

MANAGEMENT ASSISTANT/PERSONNEL SPECIALIST

Responsibilities: Designed, implemented and coordinated Safety Policy and Program, facilitated Loss Control and Insurance Committee. Designed and implemented Orientation Program for new hires. Published and edited employee newsletter, *The Leaflet*. Selected, coordinated and purchased all benefits and insurance. Organized and facilitated nursery trade meetings and functions. Maintain all personnel records.

OFFICE MANAGER/FULL CHARGE BOOKKEEPER

Responsibilities: All aspects of bookkeeping, including payroll, federal and state payroll taxes, accounts receivable and payable, deposits, cash disbursements, sales tax, closing of monthly books, adjusting entries, bank reconciliation, profit/loss statements and balance sheets.

COMMUNITY INVOLVEMENT

Big Bend Society of Human Resource Management

Society for Human Resource Management

FL Commission on Human Relations (FCHR) (12/2005 - 3/2010)

FL Credit Union League Board of Directors (6/2007 - 6/2009)

League of Southeastern Credit Unions BOD (6/2011 - 6/2015)

FL Credit Union Executive Society (Past Chair) (8/2000 - Present)

Credit Union Executive Society (8/2000 - Present)

Attachment #13
Page 1 of 2

References (you must provide at least one personal reference who is not a family member):

Name: SUE DICK Telephone: 850 5093101
Address: 300 EAST PARK AVENUE

Name: ED MURRAY Telephone: 8505669088
Address: 1018 THOMASVILLE ROAD

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: James Revell

This application was electronically sent: 9/14/2017 8:41:37AM

Attachment #14
Page 1 of 2

Posted 4:00 p.m. on October 2, 2017

References (you must provide at least one personal reference who is not a family member):

Name: AMANDA SASSER Telephone: 8502103258
Address: 1514 VISCOUNT AVE, TALLAHASSEE, FL 32304

Name: ALLEN GONZALEZ Telephone: 8506942768
Address: 6115 MAHAN DRIVE, TALLAHASSEE, FL 32308

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

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1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.


Signature: Jeremy R Smith

This application was electronically sent: 9/1/2017 3:41:15PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

CITIZEN CHARTER REVIEW COMMITTEE

Attachment #15
Page 1 of 2

<p>It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov</p> <p>Applications will be discarded if no appointment is made after two years.</p>		
Name: Gordon Thames		Date: 8/29/2017 6:11:30PM
Home Phone: (850) 545-6816	Work Phone: (850)656-7667X	Email: wgthames@icloud.com
Occupation: CONSTRUCTION/ DEVELOPMENT /	Employer: ARBOR PROPERTIES, INC.	
Preferred mailing location: Home Address		
Work Address: 4910 NORTH MONROE STREET (OFFICE)		
City/State/Zip: TALLAHASSEE, FL 32303		
Home Address 215 ROSEHILL LANE		
City/State/Zip: TALLAHASSEE, FL 32312		
Do you live in Leon County? Yes If yes, do you live within the City limits? No		
Do you own property in Leon County? Yes If yes, is it located within the City limits? No		
For how many years have you lived in and/or owned property in Leon County? 15 years		
Are you currently serving on a County Advisory Committee? No		
If yes, on what Committee(s) are you a member?		
Have you served on any previous Leon County committees? No		
If yes, on what Committee(s) are you a member?		
<p>The Citizen Charter Review Committee will convene on November 9, 2017 and meet weekly on Thursdays thereafter for a period of no more than 120 days to review the County Charter and propose any amendments or revisions for consideration by the Board for placement on the 2018 General Election Ballot. Are you able to serve on the Committee for this length of time and attend meetings regularly?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.</p> <p>Race: Caucasian Sex: Male Age: 57.00</p> <p>Disabled? No District: District 4</p>		
<p>In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.</p>		

AVON OLD FARMS SCHOOL , AVON , CT 1976-79
BROWN UNIVERSITY 1979-83
VANDERBILT UNIVERSITY SCHOOL OF LAW 1983-86
DOUGLAS LAMBETH & ASSOCIATES 1986-88
ARBOR PROPERTIES , INC 1988- PRESENT

PAST BOARDS :

HOLY COMFORTER EPISCOPAL SCHOOL 2006-2012
FLORIDA HEALTH CHOICES BOARD TREASURER 2012-2017

AT MY PRESENT POSITION , I HAVE DEVELOPED , BUILT AND MANAGED OVER 4000 LUXURY APARTMENT HOMES IN 10 DIFFERENT CITIES AND COUNTIES IN FLORIDA , ALABAMA AND MISSISSIPPI , WHICH GIVES ME EXPERIENCE AND PERSPECTIVE FROM WORKING BOTH WITHIN LEON COUNTY AS WELL AS IN OTHER COMPARABLE COUNTIES AND CITIES.

References (you must provide at least one personal reference who is not a family member):

Name: CHARLIE COOPER , ESQ. Telephone: 850-222-8611
Address: 101 NORTH MONROE STREET

Name: RICHARD REEVES Telephone: 850-445-0622
Address: 301 SOUTH BRONOUGH STREET -SUITE 600 , TALLAHASSEE , FL. 32301

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?

Yes

2.) Are you willing to complete a financial disclosure form No

(Your application will only be considered for those committees/boards/authorities that do not require members to complete the Financial Disclosure Form 1.)

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No

If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No

If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority?

No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.


Signature: Gordon Thames

This application was electronically sent: 8/29/2017 6:11:30PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

CITIZEN CHARTER REVIEW COMMITTEE

Attachment #16
Page 1 of 5

<p>It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov</p> <p>Applications will be discarded if no appointment is made after two years.</p>			
Name: Kim Williams		Date: 9/8/2017 1:33:40PM	
Home Phone: (850) 545-6864	Work Phone: (850)545-6864X	Email: kim@marpan.com	
Occupation: PRESIDENT	Employer: MARPAN SUPPLY		
Preferred mailing location: Work Address Work Address: PO BOX 2068			
City/State/Zip: TALLAHASSEE, FL 32316			
Home Address 2063 CANTIGNY WAY			
City/State/Zip: TALLAHASSEE, FL 32308			
Do you live in Leon County? Yes If yes, do you live within the City limits? Yes Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes For how many years have you lived in and/or owned property in Leon County? 65 years			
Are you currently serving on a County Advisory Committee? No If yes, on what Committee(s) are you a member?			
Have you served on any previous Leon County committees? Yes If yes, on what Committee(s) are you a member? SALES TAX COMMITTEE			
<p>The Citizen Charter Review Committee will convene on November 9, 2017 and meet weekly on Thursdays thereafter for a period of no more than 120 days to review the County Charter and propose any amendments or revisions for consideration by the Board for placement on the 2018 General Election Ballot. Are you able to serve on the Committee for this length of time and attend meetings regularly?</p> <p> <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No </p>			
<p>(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.</p> <p> Race: Caucasian Sex: Male Age: Disabled? No District: </p>			
<p>In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.</p> <p> PRESIDENT OF MARPAN SUPPLY COMPANY BOARD MEMBER OF LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY BOARD MEMBER CAPITAL CITY BANK BOARD MEMBER FSU RESEARCH FOUNDATION BOARD MEMBER FSU COASTAL MARINE LAB PAST CHAIR TALLAHASSEE CHAMBER OF COMMERCE PART CHAIR TALLAHASSEE/LEON COUNTY ECONOMIC DEVELOPMENT COMMITTEE PAST CHAIR TALLAHASSEE MEMORIAL HEALTH CARE PAST BOARD MEMBER TALLAHASSEE HOUSING AUTHORITY PAST BOARD MEMBER GOODWILL INDUSTRIES PAST MEMBER LEON COUNTY SALES TAX COMMITTEE </p>			

References (you must provide at least one personal reference who is not a family member):

Name: DAVE RAMSEY Telephone: 850-509-9091
Address: 9048 SHOAL CREEK DR.

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? Yes
If yes, please explain. WE PROVIDE RECYCLING SERVICES

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: KIM WILLIAMS

This application was electronically sent: 9/8/2017 1:33:40PM

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL <u>Williams, Kim B.</u>		OFFICE / POSITION HELD <u>Board member</u>	
MAILING ADDRESS <u>P.O. Box 2068</u>		AGENCY OR ADVISORY BOARD <u>Charter Review Committee</u>	
CITY <u>Tallahassee</u>	ZIP <u>32316</u>	COUNTY <u>Leon</u>	ADDRESS OF AGENCY

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- **Fill out** Part A or Part B, as applicable.
- **Sign** and date the form on the reverse side.
- **File Part A** with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- **File Part B** with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a *particular instance* provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; and (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) of (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable* to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

- The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - ☒ The reporting person;
 - ☐ The spouse of the reporting person, whose name is _____; or
 - ☐ A child of the reporting person, whose name is _____.
- The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - ☒ Supplying the following realty, goods, and/or services: Processing Recyclables
 - ☐ Regulation of the business entity by the governmental agency served by the advisory board member.
- The following business entity is doing business with or regulated by the governmental agency: _____
- The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
 - ☒ Officer; ☐ Partner; ☐ Associate; ☐ Sole proprietor; ☒ Stockholder; ☒ Director; ☒ Owner of in excess of 5% of the assets of capital stock in such business entity; ☒ Employee; ☐ Contractual relationship with the business entity;
 - ☐ Other, please describe:

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable*.

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - (☒) The reporting person;
 - () The spouse of the reporting person, whose name is _____; or
 - () A child of the reporting person, whose name is _____.
2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

Processing Recycling
3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:


Morpan Recycling

(NAME OF ENTITY)

P.O. Box 2668, Tallahassee 32316

(ADDRESS OF ENTITY)
4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
 - (☒) Officer; () Partner; () Associate; () Sole proprietor; (☒) Stockholder; (☒) Director; (☒) Owner of in excess of 5% of the assets or capital stock in such business entity; (☒) Employee; () Contractual relationship with the business entity;
 - () Other, please describe:

SIGNATURE

SIGNATURE 	DATE SIGNED <p style="font-size: 1.2em; color: blue;">09.28.2017</p>	DATE FILED <p style="font-size: 1.2em; color: blue;">09.28.2017</p>
--	---	--

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES s. 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

From: Daniel Rigo
To: Mary Smach
CC: Jessica Icerman
Date: 9/15/2017 8:15 AM
Subject: Re: Williams Application

Mary -- yes, he'll need to complete a Form 4A to be attached to the appointment agenda item and approved with at least a 2/3 majority vote -- thanks.

DAN RIGO
Assistant County Attorney
Leon County Attorney's Office
Suite 202, 301 South Monroe Street
Tallahassee, Florida 32301
(850) 606-2500 Phone
(850) 606-2501 Fax

Legal Notice: Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

>>> Mary Smach 9/15/17 8:10 AM >>>
Hi Dan,

I received the attached application from Kim Williams. Since he indicated that he is doing business in the County does he need to complete the Disclosure Form 4A?

Thank you,

Mary Smach
Agenda Coordinator
Leon County Administration
301 S. Monroe St. Suite 502
Tallahassee, FL 32301
850-606-5311

www.leoncountyfl.gov

"People Focused. Performance Driven"

Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

Attachment #17
Page 1 of 4

Posted 4:00 p.m. on October 2, 2017

References (you must provide at least one personal reference who is not a family member):

Name: CHARLES COOPER Telephone: 8502228611
Address: 101 NORTH MONROE STREET

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? Yes
If yes, please explain. LAW FIRM PERFORMS LEGAL WORK FOR COUNTY FROM TIME TO TIME

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: GEORGE SMITH

This application was electronically sent: 10/2/2017 12:57:18PM

From: Daniel Rigo
To: Mary Smach
CC: Jessica Icerman
Date: 10/2/2017 2:52 PM
Subject: Re: Smith Application

Mary -- as we discussed, Jolinda Herring of the BMO Miami office is currently the County's bond counsel, so he'll need to fill out a Form 4A -- thanks.

DAN RIGO
Assistant County Attorney
Leon County Attorney's Office
Suite 202, 301 South Monroe Street
Tallahassee, Florida 32301
(850) 606-2500 Phone
(850) 606-2501 Fax

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>>> Mary Smach 10/2/17 2:14 PM >>>
Hi Dan,

Would he need to complete the financial disclosure form 4A?

Mary Smach
Agenda Coordinator
Leon County Administration
301 S. Monroe St. Suite 502
Tallahassee, FL 32301
850-606-5311

www.leoncountyfl.gov

"People Focused. Performance Driven"

Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL <u>Smith, George A.</u>			OFFICE / POSITION HELD
MAILING ADDRESS <u>101 North Monroe Street, Suite 500</u>			AGENCY OR ADVISORY BOARD
CITY <u>Tallahassee</u>	ZIP <u>FL 32301</u>	COUNTY <u>Leon</u>	ADDRESS OF AGENCY

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- Fill out Part A or Part B, as applicable.
- Sign and date the form on the reverse side.
- File Part A with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- File Part B with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a particular instance provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; and (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) or (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, if and when applicable to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

- The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - ☒ The reporting person;
 - ☐ The spouse of the reporting person, whose name is _____, or
 - ☐ A child of the reporting person, whose name is _____
- The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - ☒ Supplying the following really, goods, and/or services: legal services
 - ☐ Regulation of the business entity by the governmental agency served by the advisory board member.
- The following business entity is doing business with or regulated by the governmental agency:

Bryant Miller Olive P.A.
- The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
 - ☐ Officer; ☐ Partner; ☐ Associate; ☐ Sole proprietor; ☒ Stockholder; ☐ Director; ☐ Owner of in excess of 5% of the assets of capital stock in such business entity; ☐ Employee; ☐ Contractual relationship with the business entity;
 - ☐ Other, please describe:

**Leon County
Board of County Commissioners**

Notes for Agenda Item #9

Leon County Board of County Commissioners

Agenda Item #9

October 10, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator
Herbert W.A. Thiele, County Attorney

Title: Second and Final Public Hearing to Amend Section 10-6.819, "Medical Marijuana Dispensing Facilities" to Comply with Senate Bill 8-A and to Rename Section 10-6.819 to "Medical Marijuana Facilities"

Review and Approval:	Vincent S. Long, County Administrator Herbert W.A. Thiele, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator David McDevitt, Director of Development Support and Environmental Management
Lead Staff/ Project Team:	Jessica M. Icerman, Assistant County Attorney Ryan Culpepper, Director of Development Services Shawna Martin, Principal Planner

Statement of Issue:

This agenda items seeks to conduct the second and final Public Hearing to amend Section 10-6.819, "Medical Marijuana Dispensing Facilities" to comply with Senate Bill 8-A, and to rename Section 10-6.819 to "Medical Marijuana Facilities."

Fiscal Impact:

This item has no current fiscal impact to the County.

Staff Recommendation:

Option #1: Conduct the second and final Public Hearing and adopt the proposed amendments to Section 10-6.819, "Medical Marijuana Dispensing Facilities" to comply with Senate Bill 8-A and to rename Section 10-6.819 to "Medical Marijuana Facilities" (Attachment #1).

Report and Discussion

Background:

On May 9, 2017, the Board adopted Ordinance No. 17-06 to regulate the siting of medical marijuana dispensing facilities in the unincorporated area of Leon County. On June 9, 2017, the Florida Legislature passed Senate Bill (SB) 8-A (Attachment #2), implementing the Florida Medical Marijuana Legalization Initiative, known as Amendment 2.

Senate Bill 8-A significantly pre-empts local government in the regulation of cultivation, processing and delivery of medical marijuana. Additionally, the bill restricts the permitting and location standards for dispensing facilities and limits local government zoning regulations from being more restrictive than the regulations for pharmacies. The pre-emption language can be found on pages 50-52 of SB 8-A.

The Board scheduled the first of two Public Hearings on the proposed amendments to Section 10-6.819 for September 12, 2017; however, due to Hurricane Irma, the Board rescheduled this Public Hearing for September 26, 2017.

Analysis:

SB 8-A requires the County to amend the recently enacted Section 10-6.819 of the Leon County Code of Laws to comply with current pre-emption language. Pursuant to Section 10-6.819, medical marijuana dispensing facilities within the unincorporated area of Leon County must be separated by no less than 1,000 feet from other dispensing facilities, schools and religious facilities. Section 10-6.819 also requires dispensing facilities to undergo review through, at minimum, the Administrative Streamlined Application Process (ASAP).

SB 8-A pre-empts a local government from enacting ordinances for permitting or determining the location of dispensing facilities that are more restrictive than its ordinances for pharmacies, except that no dispensing facility may be permitted within 500 feet of a school (public or private), unless approved by the County through a formal proceeding open to the public at which the County determines that the proposed location promotes the public health, safety, and general welfare of the community. As such, the County must amend Section 10-6.819 to comply with recent legislation by:

1. eliminating the 1,000 foot separation requirement between a proposed dispensing facility and other dispensing facilities;
2. eliminating the 1,000 foot separation requirement between a proposed dispensing facility and religious facilities;

Title: Second and Final Public Hearing to Amend Section 10-6.819, “Medical Marijuana Dispensing Facilities” to Comply with Senate Bill 8-A and to Rename Section 10-6.819 to “Medical Marijuana Facilities.”

October 10, 2017

Page 3 of 4

3. reducing the 1,000 foot separation requirement between a proposed dispensing facility and schools (public and private) to 500 feet;
4. removing the requirement that a proposed dispensing facility shall be reviewed, at a minimum, through the ASAP site and development plan process; and
5. adding language to allow the Board of Adjustment and Appeals to waive the 500 foot minimum distance requirement between medical marijuana dispensing facilities and schools (public and private) if the proposed location promotes the public health, safety, and general welfare of the community.

Although a minimum ASAP review is no longer permissible under recent legislation, dispensing facilities will continue to be subject to the procedures for review and approval of site and development plans outlined in Chapter 10, Article VII, Division 4. These proposed amendments to Section 10-6.819 comply with the legislative requirement that dispensing facilities be permitted no stricter than pharmacies.

Additionally, SB 8-A preempts all matters regarding the regulation of cultivation, processing and delivery of medical marijuana, except that the County may restrict cultivating and processing facilities from being located within 500 feet of a school (public or private). The proposed Ordinance adds language to effectuate this location restriction for cultivating and processing facilities.

Comprehensive Plan Consistency Determination

Tallahassee-Leon County Planning Department staff conducted a review of the proposed Ordinance and determined that it is consistent with the Tallahassee-Leon County Comprehensive Plan (Attachment #3).

Planning Commission Recommendation

The proposed amendments to Section 10-6.819 were presented at the September 5, 2017 Planning Commission meeting. The Planning Commission found the proposed amendments to be consistent with the Tallahassee-Leon County Comprehensive Plan and recommended adoption.

Public Notification

The Public Hearing has been publicly noticed consistent with the requirements of Florida Statutes (Attachment #4).

Title: Second and Final Public Hearing to Amend Section 10-6.819, “Medical Marijuana Dispensing Facilities” to Comply with Senate Bill 8-A and to Rename Section 10-6.819 to “Medical Marijuana Facilities.”

October 10, 2017

Page 4 of 4

Options:

1. Conduct the second and final Public Hearing and adopt the proposed amendments to Section 10-6.819, “Medical Marijuana Dispensing Facilities” to comply with Senate Bill 8-A, and to rename Section 10-6.819 to “Medical Marijuana Facilities” (Attachment #1).
2. Conduct the second and final Public Hearing and do not adopt the proposed amendments to Section 10-6.819, “Medical Marijuana Dispensing Facilities” to comply with Senate Bill 8-A, and do not rename Section 10-6.819 to “Medical Marijuana Facilities.”
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Ordinance
2. Senate Bill 8-A
3. Planning Consistency Memorandum
4. Legal Ad

ORDINANCE NO. 17- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-6.819 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "MEDICAL MARIJUANA DISPENSING FACILITIES"; RENAMING SECTION 10-6.819 TO "MEDICAL MARIJUANA FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted legislation allowing marijuana for medical uses; and

WHEREAS, the Florida Constitution was amended to legalize the use of medical marijuana; and

WHEREAS, the State, through the Department of Health, has enacted a comprehensive regulatory framework for the cultivation, processing, transporting, and dispensing of medical marijuana; and

WHEREAS, the State held a Special Session in June 2017, and passed Senate Bill 8-A entitled Medical Use of Marijuana, which changed the regulatory structure of medical marijuana; and,

WHEREAS, the State preempts all matters regarding the regulation of cultivation, processing and delivery of medical marijuana, except as provided in Senate Bill 8-A ; and

WHEREAS, Senate Bill 8-A provides that a cultivating or processing facility may not be located within 500 feet of the real property that comprises a public or private school; and

WHEREAS, Senate Bill 8-A prohibits permitting and location regulations of dispensing facilities from being more restrictive than ordinances regulating the permitting or location of pharmacies, except that dispensing facilities may not be located within 500 feet of the real property that comprises a public or private school unless the County approves the location through a formal proceeding open to the public at which the County determines that the location promotes the public health, safety, and general welfare of the community; and

WHEREAS, for the purposes of this Ordinance, a pharmacy shall be considered a type of drug store and shall be allowed in the same zoning districts as drug stores; and

WHEREAS, it is not the purpose or intent of this ordinance to restrict or deny access to medical marijuana as permitted by State law, but instead to enact reasonable zoning regulations to protect the public health, safety, and welfare.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

SECTION 1. Section 10-6.819 entitled "Medical Marijuana Dispensing Facilities," is hereby renamed as "Medical Marijuana Facilities" and is amended to read as follows:

Section 10-6.819. Medical Marijuana Facilities

(a) *Purpose and Intent.* The purpose of this section is to establish requirements that regulate the sale of ~~cannabis~~ marijuana to ensure a supply of ~~cannabis~~ marijuana to patients who qualify to obtain, possess and use ~~cannabis~~ marijuana, pursuant to state law, while promoting compliance with other state laws that regulate ~~cannabis~~ marijuana. Nothing in this section is intended to promote or condone the sale, distribution, possession, or use of ~~cannabis~~ marijuana for recreational purposes or in violation of applicable state laws.

(b) *Definitions.* Unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this section its most effective application.

~~Cannabis has the same meaning given to it by Section 893.02(3), Florida Statutes, and shall include all forms of medical cannabis. The terms cannabis and medical marijuana shall be interchangeable for the purpose of this section.~~

Derivative products shall mean products derived from ~~cannabis~~ marijuana, including but not limited to ~~cannabis~~ marijuana oil or consumable products, such as but not limited to food, teas, tinctures, aerosols, oils, or ointments.

Dispensing organization is an organization authorized by the state to cultivate, process, transport, and dispense ~~low-THC cannabis or medical cannabis~~ marijuana.

Marijuana has the same meaning given to it by Section 381.986(1), Florida Statutes.

Medical marijuana ~~cultivation~~ cultivating facility is any area or facility used for cultivation ~~of~~ of ~~cannabis and medical marijuana~~ as authorized by the state.

Medical marijuana dispensing facility is the retail sales component of a dispensing organization or ~~Mmedical Mmarijuana Ttreatment Ccenter~~ authorized by the state to dispense ~~medical marijuana~~, but does not include the cultivation, processing or distribution facilities of ~~medical marijuana~~ the medical marijuana treatment center.

Medical marijuana processing facility is any area or facility used for processing of derivative products as authorized by the state.

Medical marijuana treatment center (MMTC) is an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers, and is registered by the state.

(c) *Zoning and Location Requirements.*

(1) Medical marijuana dispensing facilities, for the purposes of zoning, shall be permissible uses in any zoning district that allows drug stores or retail commercial.

(2) Medical marijuana dispensing facilities shall be located, at a minimum, ~~1,000~~ 500 feet from any other medical marijuana dispensing facility and, at a minimum, 1,000 feet from any existing school (public or private) ~~or religious facility~~. Measurements shall be made from the nearest property line of the school ~~or religious~~

1 facility to the nearest property line of the medical marijuana dispensing facility. If the
2 medical marijuana dispensing facility is located in a multi-tenant building, the
3 distance shall be measured from the nearest property line of the school ~~or religious~~
4 facility to the nearest line area of the leasehold or other space actually controlled or
5 occupied by a the medical marijuana dispensing facility.
6

7 a. Notwithstanding section 10-2.347, the Board of Adjustment and Appeals may
8 waive the 500 foot minimum distance requirement between medical marijuana
9 dispensing facilities and schools (public and private) if the Board of Adjustment and
10 Appeals determines that the proposed location promotes the public health, safety,
11 and general welfare of the community.
12

13 (3) Medical marijuana cultivating facilities and medical marijuana processing facilities
14 shall be located, at a minimum, 500 feet from any existing school (public or private).
15 Measurements shall be made from the nearest property line of the school to the
16 nearest property line of the medical marijuana cultivating facility or medical marijuana
17 processing facility, as appropriate. If the medical marijuana cultivating facility or
18 medical marijuana processing facility is located in a multi-tenant building, the
19 distance shall be measured from the nearest property line of the school to the
20 nearest area of the leasehold or other space actually controlled or occupied by the
21 medical marijuana cultivating facility or medical marijuana processing facility.
22

23 (d) *Development Review Process.* A medical marijuana dispensing facility shall be subject to
24 the procedures for review and approval of site and development plans outlined in Chapter
25 10, Article VII, Division 4., ~~as well as the supplemental requirements outlined below:~~
26

27 (4) A permitted use verification certificate, pursuant to Section 10-7.402(1), shall be
28 required for the siting of all medical marijuana dispensing facilities. A permitted use
29 verification certificate is not a development order and shall not be the basis for any
30 claims of estoppel or vesting against any land development regulations or zoning
31 regulations which may be adopted on or after the date of the permitted use
32 verification application and/or certificate. The following supplemental information and
33 documentation shall be submitted for review along with the permitted use verification
34 application to verify the compliance with Florida Statutes:
35

- 36 a. ~~A narrative which details the scope of the project;~~
37 b. ~~If a new building or structure is being proposed, a sketch of the proposed~~
38 ~~layout of the site;~~
39 c. ~~(1) Maps and other data that support the requirement for 4,000~~ 500
40 ~~foot distance separation; and~~
41 d. ~~(2) A copy of the authorization issued by the State of Florida, Department of~~
42 ~~Health, to operate a medical marijuana dispensing facility.~~
43

44 (2) ~~At a minimum, a medical marijuana dispensing facility will require review through the~~
45 ~~Administrative Streamlined Application Process (ASAP), pursuant to Section 10-~~

- 1 ~~7.402(7)(c). The siting of a facility shall only be established by the approval of a~~
2 ~~development order. The following supplemental information and documentation shall~~
3 ~~be submitted for review along with a site plan application:~~
4
5 ~~a. A permitted use verification that has been issued as eligible or conditional~~
6 ~~within the last 90 days;~~
7 ~~b. Maps and other data that support the requirement for 1,000 foot separation;~~
8 ~~and~~
9 ~~c. A copy of the authorization issued by the State of Florida, Department of~~
10 ~~Health, to operate a medical marijuana dispensing facility.~~
11
12 (e) *Parking.* Parking for medical marijuana dispensing facilities shall be calculated using the
13 existing parking requirements for general retail uses, as established in Section 10, Article
14 VII, Division 5 and associated Schedule 6-2.
15
16 (f) *No county liability; indemnification; no defense.*
17
18 (1) By accepting a development order issued pursuant to this section, the medical
19 marijuana dispensing organization waives any claim concerning, and releases the
20 county, its officers, elected officials, employees, attorneys and agents from any
21 liability for injuries or damages of any kind that result from any arrests or
22 prosecutions of owners, managers, employees, operators, clients or customers of
23 the dispensing organization for a violation of state or federal laws, rules, or
24 regulations.
25
26 (2) By accepting a development order issued pursuant to this section, the dispensing
27 organization agrees to indemnify, defend, and hold harmless the county, its officers,
28 elected officials, employees, attorneys, agents, and insurers against all liability,
29 claims, and demands on account of any injury, loss, or damage, including without
30 limitation claims arising from bodily injury, personal injury, sickness, diseases, death,
31 property loss or damage, or any other loss of any kind whatsoever arising out of or in
32 any manner connected with the operation of the dispensing organization that is
33 subject to the development order.
34
35 (3) The issuance of a development order pursuant to this section shall not be deemed to
36 create an exception, defense, or immunity for any person in regard to any potential
37 criminal liability the person may have under state or federal law for the acquisition,
38 cultivation, possession, processing, transferring, transportation, selling, distribution,
39 dispensing, or administration of marijuana or products containing marijuana.
40

41 **SECTION 2.** Conflicts. All ordinances or parts of ordinances in conflict with the provisions of
42 this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this
43 Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County
44 Comprehensive Plan, as amended, which provisions shall prevail over any parts of this
45 Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

1
2 **SECTION 3.** Severability. If any section, subsection, sentence, clause, phrase or portion of this
3 article is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
4 such portion shall be deemed a separate, distinct, and independent provision and such holding
5 shall not affect the validity of the remaining portions of this Ordinance.
6

7 **SECTION 4.** Effective date. This ordinance shall be effective according to law.
8
9

10
11 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,
12 Florida, this ____ day of _____, 2017.
13

14
15 LEON COUNTY, FLORIDA
16

17
18 BY: _____
19 JOHN E. DAILEY, CHAIRMAN
20 BOARD OF COUNTY COMMISSIONERS
21
22
23
24

25 ATTEST:
26 GWENDOLYN MARSHALL, CLERK OF THE COURT
27 AND COMPTROLLER
28 LEON COUNTY, FLORIDA
29

30
31 BY: _____
32

33 APPROVED AS TO FORM:
34 LEON COUNTY ATTORNEY'S OFFICE
35
36

37 BY: _____
38 HERBERT W.A. THIELE, ESQ.
39 COUNTY ATTORNEY

20178Ae2

1 A bill to be entitled
2 An act relating to medical use of marijuana; providing
3 legislative intent; amending s. 212.08, F.S.;
4 providing an exemption from the state tax on sales,
5 use, and other transactions for marijuana and
6 marijuana delivery devices used for medical purposes;
7 amending s. 381.986, F.S.; providing, revising, and
8 deleting definitions; providing qualifying medical
9 conditions for a patient to be eligible to receive
10 marijuana or a marijuana delivery device; providing
11 requirements for designating a qualified physician or
12 medical director; providing criteria for certification
13 of a patient for medical marijuana treatment by a
14 qualified physician; providing for certain patients
15 registered with the medical marijuana use registry to
16 be deemed qualified; requiring the Department of
17 Health to monitor physician registration and
18 certifications in the medical marijuana use registry;
19 requiring the Board of Medicine and the Board of
20 Osteopathic Medicine to create a physician
21 certification pattern review panel; providing
22 rulemaking authority to the department and the boards;
23 requiring the department to establish a medical
24 marijuana use registry; specifying entities and
25 persons who have access to the registry; providing
26 requirements for registration of, and maintenance of
27 registered status by, qualified patients and
28 caregivers; providing criteria for nonresidents to
29 prove residency for registration as a qualified

20178Ae2

30 patient; defining the term "seasonal resident";
31 authorizing the department to suspend or revoke the
32 registration of a patient or caregiver under certain
33 circumstances; providing requirements for the issuance
34 of medical marijuana use registry identification
35 cards; requiring the department to issue licenses to a
36 certain number of medical marijuana treatment centers;
37 providing for license renewal and revocation;
38 providing conditions for change of ownership;
39 providing for continuance of certain entities
40 authorized to dispense low-THC cannabis, medical
41 cannabis, and cannabis delivery devices; requiring a
42 medical marijuana treatment center to comply with
43 certain standards in the production and distribution
44 of edibles; requiring the department to establish,
45 maintain, and control a computer seed-to-sale
46 marijuana tracking system; requiring background
47 screening of owners, officers, board members, and
48 managers of medical marijuana treatment centers;
49 requiring the department to establish protocols and
50 procedures for operation, conduct periodic
51 inspections, and restrict location of medical
52 marijuana treatment centers; providing a limit on
53 county and municipal permit fees; authorizing counties
54 and municipalities to determine the location of
55 medical marijuana treatment centers by ordinance under
56 certain conditions; providing penalties; authorizing
57 the department to impose sanctions on persons or
58 entities engaging in unlicensed activities; providing

20178Ae2

that a person is not exempt from prosecution for certain offenses and is not relieved from certain requirements of law under certain circumstances; providing for certain school personnel to possess marijuana pursuant to certain established policies and procedures; providing that certain research institutions may possess, test, transport, and dispose of marijuana subject to certain conditions; providing applicability; amending ss. 458.331 and 459.015, F.S.; providing additional acts by a physician or an osteopathic physician which constitute grounds for denial of a license or disciplinary action to which penalties apply; creating s. 381.988, F.S.; providing for the establishment of medical marijuana testing laboratories; requiring the Department of Health, in collaboration with the Department of Agriculture and Consumer Services and the Department of Environmental Protection, to develop certification standards and rules; providing limitations on the acquisition and distribution of marijuana by a testing laboratory; providing an exception for transfer of marijuana under certain conditions; requiring a testing laboratory to use a department-selected computer tracking system; providing grounds for disciplinary and administrative action; authorizing the department to refuse to issue or renew, or suspend or revoke, a testing laboratory license; creating s. 381.989, F.S.; defining terms; directing the department and the Department of Highway Safety and Motor Vehicles to institute public

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education campaigns relating to cannabis and marijuana and impaired driving; requiring evaluations of public education campaigns; authorizing the department and the Department of Highway Safety and Motor Vehicles to contract with vendors to implement and evaluate the campaigns; amending ss. 385.211, 499.0295, and 893.02, F.S.; conforming provisions to changes made by the act; creating s. 1004.4351, F.S.; providing a short title; providing legislative findings; defining terms; establishing the Coalition for Medical Marijuana Research and Education within the H. Lee Moffitt Cancer Center and Research Institute, Inc.; providing a purpose for the coalition; establishing the Medical Marijuana Research and Education Board to direct the operations of the coalition; providing for the appointment of board members; providing for terms of office, reimbursement for certain expenses, and meetings of the board; authorizing the board to appoint a coalition director; prescribing the duties of the coalition director; requiring the board to advise specified entities and officials regarding medical marijuana research and education in this state; requiring the board to annually adopt a Medical Marijuana Research and Education Plan; providing requirements for the plan; requiring the board to issue an annual report to the Governor and the Legislature by a specified date; requiring the Department of Health to submit reports to the board containing specified data; specifying responsibilities

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of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; amending s. 1004.441, F.S.; revising definition; amending s. 1006.062, F.S.; requiring district school boards to adopt policies and procedures for access to medical marijuana by qualified patients who are students; providing emergency rulemaking authority; providing for venue for a cause of action against the department; providing for defense against certain causes of action; directing the Department of Law Enforcement to develop training for law enforcement officers and agencies; amending s. 385.212, F.S.; renaming the department's Office of Compassionate Use; providing severability; providing a directive to the Division of Law Revision and Information; providing appropriations; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Legislative intent.—It is the intent of the Legislature to implement s. 29, Article X of the State Constitution by creating a unified regulatory structure. If s. 29, Article X of the State Constitution is amended or a constitutional amendment related to cannabis or marijuana is adopted, this act shall expire 6 months after the effective date of such amendment.

Section 2. Present paragraph (1) of subsection (2) of section 212.08, Florida Statutes, is redesignated as paragraph (m), and a new paragraph (1) is added to that subsection, to

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146 read:

147 212.08 Sales, rental, use, consumption, distribution, and
148 storage tax; specified exemptions.—The sale at retail, the
149 rental, the use, the consumption, the distribution, and the
150 storage to be used or consumed in this state of the following
151 are hereby specifically exempt from the tax imposed by this
152 chapter.

153 (2) EXEMPTIONS; MEDICAL.—

154 (1) Marijuana and marijuana delivery devices, as defined in
155 s. 381.986, are exempt from the taxes imposed under this
156 chapter.

157 Section 3. Section 381.986, Florida Statutes, is amended to
158 read:

159 (Substantial rewording of section. See
160 s. 381.986, F.S., for present text.)

161 381.986 Medical use of marijuana.—

162 (1) DEFINITIONS.—As used in this section, the term:

163 (a) "Caregiver" means a resident of this state who has
164 agreed to assist with a qualified patient's medical use of
165 marijuana, has a caregiver identification card, and meets the
166 requirements of subsection (6).

167 (b) "Chronic nonmalignant pain" means pain that is caused
168 by a qualifying medical condition or that originates from a
169 qualifying medical condition and persists beyond the usual
170 course of that qualifying medical condition.

171 (c) "Close relative" means a spouse, parent, sibling,
172 grandparent, child, or grandchild, whether related by whole or
173 half blood, by marriage, or by adoption.

174 (d) "Edibles" means commercially produced food items made

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with marijuana oil, but no other form of marijuana, that are produced and dispensed by a medical marijuana treatment center.

(e) "Low-THC cannabis" means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.

(f) "Marijuana" means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.

(g) "Marijuana delivery device" means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body, and which is dispensed from a medical marijuana treatment center for medical use by a qualified patient.

(h) "Marijuana testing laboratory" means a facility that collects and analyzes marijuana samples from a medical marijuana treatment center and has been certified by the department pursuant to s. 381.988.

(i) "Medical director" means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or osteopathic physician under chapter 459 and is in

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204 compliance with the requirements of paragraph (3)(c).

205 (j) "Medical use" means the acquisition, possession, use,
206 delivery, transfer, or administration of marijuana authorized by
207 a physician certification. The term does not include:

208 1. Possession, use, or administration of marijuana that was
209 not purchased or acquired from a medical marijuana treatment
210 center.

211 2. Possession, use, or administration of marijuana in a
212 form for smoking, in the form of commercially produced food
213 items other than edibles, or of marijuana seeds or flower,
214 except for flower in a sealed, tamper-proof receptacle for
215 vaping.

216 3. Use or administration of any form or amount of marijuana
217 in a manner that is inconsistent with the qualified physician's
218 directions or physician certification.

219 4. Transfer of marijuana to a person other than the
220 qualified patient for whom it was authorized or the qualified
221 patient's caregiver on behalf of the qualified patient.

222 5. Use or administration of marijuana in the following
223 locations:

224 a. On any form of public transportation, except for low-THC
225 cannabis.

226 b. In any public place, except for low-THC cannabis.

227 c. In a qualified patient's place of employment, except
228 when permitted by his or her employer.

229 d. In a state correctional institution, as defined in s.
230 944.02, or a correctional institution, as defined in s. 944.241.

231 e. On the grounds of a preschool, primary school, or
232 secondary school, except as provided in s. 1006.062.

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233 f. In a school bus, a vehicle, an aircraft, or a motorboat,
234 except for low-THC cannabis.

235 (k) "Physician certification" means a qualified physician's
236 authorization for a qualified patient to receive marijuana and a
237 marijuana delivery device from a medical marijuana treatment
238 center.

239 (l) "Qualified patient" means a resident of this state who
240 has been added to the medical marijuana use registry by a
241 qualified physician to receive marijuana or a marijuana delivery
242 device for a medical use and who has a qualified patient
243 identification card.

244 (m) "Qualified physician" means a person who holds an
245 active, unrestricted license as an allopathic physician under
246 chapter 458 or as an osteopathic physician under chapter 459 and
247 is in compliance with the physician education requirements of
248 subsection (3).

249 (n) "Smoking" means burning or igniting a substance and
250 inhaling the smoke.

251 (o) "Terminal condition" means a progressive disease or
252 medical or surgical condition that causes significant functional
253 impairment, is not considered by a treating physician to be
254 reversible without the administration of life-sustaining
255 procedures, and will result in death within 1 year after
256 diagnosis if the condition runs its normal course.

257 (2) QUALIFYING MEDICAL CONDITIONS.—A patient must be
258 diagnosed with at least one of the following conditions to
259 qualify to receive marijuana or a marijuana delivery device:

260 (a) Cancer.

261 (b) Epilepsy.

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262 (c) Glaucoma.

263 (d) Positive status for human immunodeficiency virus.

264 (e) Acquired immune deficiency syndrome.

265 (f) Post-traumatic stress disorder.

266 (g) Amyotrophic lateral sclerosis.

267 (h) Crohn's disease.

268 (i) Parkinson's disease.

269 (j) Multiple sclerosis.

270 (k) Medical conditions of the same kind or class as or
271 comparable to those enumerated in paragraphs (a)-(j).

272 (l) A terminal condition diagnosed by a physician other
273 than the qualified physician issuing the physician
274 certification.

275 (m) Chronic nonmalignant pain.

276 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

277 (a) Before being approved as a qualified physician, as
278 defined in paragraph (1)(m), and before each license renewal, a
279 physician must successfully complete a 2-hour course and
280 subsequent examination offered by the Florida Medical
281 Association or the Florida Osteopathic Medical Association which
282 encompass the requirements of this section and any rules adopted
283 hereunder. The course and examination shall be administered at
284 least annually and may be offered in a distance learning format,
285 including an electronic, online format that is available upon
286 request. The price of the course may not exceed \$500. A
287 physician who has met the physician education requirements of
288 former s. 381.986(4), Florida Statutes 2016, before the
289 effective date of this section, shall be deemed to be in
290 compliance with this paragraph from the effective date of this

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act until 90 days after the course and examination required by this paragraph become available.

(b) A qualified physician may not be employed by, or have any direct or indirect economic interest in, a medical marijuana treatment center or marijuana testing laboratory.

(c) Before being employed as a medical director, as defined in paragraph (1)(i), and before each license renewal, a medical director must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. The course and examination shall be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed \$500.

(4) PHYSICIAN CERTIFICATION.—

(a) A qualified physician may issue a physician certification only if the qualified physician:

1. Conducted a physical examination while physically present in the same room as the patient and a full assessment of the medical history of the patient.

2. Diagnosed the patient with at least one qualifying medical condition.

3. Determined that the medical use of marijuana would likely outweigh the potential health risks for the patient, and such determination must be documented in the patient's medical record. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such concurrence must be documented in the patient's medical record.

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320 4. Determined whether the patient is pregnant and
321 documented such determination in the patient's medical record. A
322 physician may not issue a physician certification, except for
323 low-THC cannabis, to a patient who is pregnant.

324 5. Reviewed the patient's controlled drug prescription
325 history in the prescription drug monitoring program database
326 established pursuant to s. 893.055.

327 6. Reviews the medical marijuana use registry and confirmed
328 that the patient does not have an active physician certification
329 from another qualified physician.

330 7. Registers as the issuer of the physician certification
331 for the named qualified patient on the medical marijuana use
332 registry in an electronic manner determined by the department,
333 and:

334 a. Enters into the registry the contents of the physician
335 certification, including the patient's qualifying condition and
336 the dosage not to exceed the daily dose amount determined by the
337 department, the amount and forms of marijuana authorized for the
338 patient, and any types of marijuana delivery devices needed by
339 the patient for the medical use of marijuana.

340 b. Updates the registry within 7 days after any change is
341 made to the original physician certification to reflect such
342 change.

343 c. Deactivates the registration of the qualified patient
344 and the patient's caregiver when the physician no longer
345 recommends the medical use of marijuana for the patient.

346 8. Obtains the voluntary and informed written consent of
347 the patient for medical use of marijuana each time the qualified
348 physician issues a physician certification for the patient,

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which shall be maintained in the patient's medical record. The patient, or the patient's parent or legal guardian if the patient is a minor, must sign the informed consent acknowledging that the qualified physician has sufficiently explained its content. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine, which must include, at a minimum, information related to:

a. The Federal Government's classification of marijuana as a Schedule I controlled substance.

b. The approval and oversight status of marijuana by the Food and Drug Administration.

c. The current state of research on the efficacy of marijuana to treat the qualifying conditions set forth in this section.

d. The potential for addiction.

e. The potential effect that marijuana may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require a person to be alert or respond quickly.

f. The potential side effects of marijuana use.

g. The risks, benefits, and drug interactions of marijuana.

h. That the patient's de-identified health information contained in the physician certification and medical marijuana use registry may be used for research purposes.

(b) If a qualified physician issues a physician certification for a qualified patient diagnosed with a qualifying medical condition pursuant to paragraph (2)(k), the

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physician must submit the following to the applicable board within 14 days after issuing the physician certification:

1. Documentation supporting the qualified physician's opinion that the medical condition is of the same kind or class as the conditions in paragraphs (2) (a)-(j).

2. Documentation that establishes the efficacy of marijuana as treatment for the condition.

3. Documentation supporting the qualified physician's opinion that the benefits of medical use of marijuana would likely outweigh the potential health risks for the patient.

4. Any other documentation as required by board rule.

The department must submit such documentation to the Coalition for Medical Marijuana Research and Education established pursuant to s. 1004.4351.

(c) A qualified physician may not issue a physician certification for more than three 70-day supply limits of marijuana. The department shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center. The department shall use the daily dose amount to calculate a 70-day supply.

1. A qualified physician may request an exception to the daily dose amount limit. The request shall be made electronically on a form adopted by the department in rule and must include, at a minimum:

a. The qualified patient's qualifying medical condition.

b. The dosage and route of administration that was insufficient to provide relief to the qualified patient.

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407 c. A description of how the patient will benefit from an
408 increased amount.

409 d. The minimum daily dose amount of marijuana that would be
410 sufficient for the treatment of the qualified patient's
411 qualifying medical condition.

412 2. A qualified physician must provide the qualified
413 patient's records upon the request of the department.

414 3. The department shall approve or disapprove the request
415 within 14 days after receipt of the complete documentation
416 required by this paragraph. The request shall be deemed approved
417 if the department fails to act within this time period.

418 (d) A qualified physician must evaluate an existing
419 qualified patient at least once every 30 weeks before issuing a
420 new physician certification. A physician must:

421 1. Determine if the patient still meets the requirements to
422 be issued a physician certification under paragraph (a).

423 2. Identify and document in the qualified patient's medical
424 records whether the qualified patient experienced either of the
425 following related to the medical use of marijuana:

426 a. An adverse drug interaction with any prescription or
427 nonprescription medication; or

428 b. A reduction in the use of, or dependence on, other types
429 of controlled substances as defined in s. 893.02.

430 3. Submit a report with the findings required pursuant to
431 subparagraph 2. to the department. The department shall submit
432 such reports to the Coalition for Medical Marijuana Research and
433 Education established pursuant to s. 1004.4351.

434 (e) An active order for low-THC cannabis or medical
435 cannabis issued pursuant to former s. 381.986, Florida Statutes

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2016, and registered with the compassionate use registry before the effective date of this section, is deemed a physician certification, and all patients possessing such orders are deemed qualified patients until the department begins issuing medical marijuana use registry identification cards.

(f) The department shall monitor physician registration in the medical marijuana use registry and the issuance of physician certifications for practices that could facilitate unlawful diversion or misuse of marijuana or a marijuana delivery device and shall take disciplinary action as appropriate.

(g) The Board of Medicine and the Board of Osteopathic Medicine shall jointly create a physician certification pattern review panel that shall review all physician certifications submitted to the medical marijuana use registry. The panel shall track and report the number of physician certifications and the qualifying medical conditions, dosage, supply amount, and form of marijuana certified. The panel shall report the data both by individual qualified physician and in the aggregate, by county, and statewide. The physician certification pattern review panel shall, beginning January 1, 2018, submit an annual report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(h) The department, the Board of Medicine, and the Board of Osteopathic Medicine may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(5) MEDICAL MARIJUANA USE REGISTRY.—

(a) The department shall create and maintain a secure, electronic, and online medical marijuana use registry for physicians, patients, and caregivers as provided under this

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section. The medical marijuana use registry must be accessible to law enforcement agencies, qualified physicians, and medical marijuana treatment centers to verify the authorization of a qualified patient or a caregiver to possess marijuana or a marijuana delivery device and record the marijuana or marijuana delivery device dispensed. The medical marijuana use registry must also be accessible to practitioners licensed to prescribe prescription drugs to ensure proper care for patients before medications that may interact with the medical use of marijuana are prescribed. The medical marijuana use registry must prevent an active registration of a qualified patient by multiple physicians.

(b) The department shall determine whether an individual is a resident of this state for the purpose of registration of qualified patients and caregivers in the medical marijuana use registry. To prove residency:

1. An adult resident must provide the department with a copy of his or her valid Florida driver license issued under s. 322.18 or a copy of a valid Florida identification card issued under s. 322.051.

2. An adult seasonal resident who cannot meet the requirements of subparagraph 1. may provide the department with a copy of two of the following that show proof of residential address:

a. A deed, mortgage, monthly mortgage statement, mortgage payment booklet or residential rental or lease agreement.

b. One proof of residential address from the seasonal resident's parent, step-parent, legal guardian or other person with whom the seasonal resident resides and a statement from the

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person with whom the seasonal resident resides stating that the seasonal resident does reside with him or her.

c. A utility hookup or work order dated within 60 days before registration in the medical use registry.

d. A utility bill, not more than 2 months old.

e. Mail from a financial institution, including checking, savings, or investment account statements, not more than 2 months old.

f. Mail from a federal, state, county, or municipal government agency, not more than 2 months old.

g. Any other documentation that provides proof of residential address as determined by department rule.

3. A minor must provide the department with a certified copy of a birth certificate or a current record of registration from a Florida K-12 school and must have a parent or legal guardian who meets the requirements of subparagraph 1.

For the purposes of this paragraph, the term "seasonal resident" means any person who temporarily resides in this state for a period of at least 31 consecutive days in each calendar year, maintains a temporary residence in this state, returns to the state or jurisdiction of his or her residence at least one time during each calendar year, and is registered to vote or pays income tax in another state or jurisdiction.

(c) The department may suspend or revoke the registration of a qualified patient or caregiver if the qualified patient or caregiver:

1. Provides misleading, incorrect, false, or fraudulent information to the department;

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523 2. Obtains a supply of marijuana in an amount greater than
524 the amount authorized by the physician certification;

525 3. Falsifies, alters, or otherwise modifies an
526 identification card;

527 4. Fails to timely notify the department of any changes to
528 his or her qualified patient status; or

529 5. Violates the requirements of this section or any rule
530 adopted under this section.

531 (d) The department shall immediately suspend the
532 registration of a qualified patient charged with a violation of
533 chapter 893 until final disposition of any alleged offense.
534 Thereafter, the department may extend the suspension, revoke the
535 registration, or reinstate the registration.

536 (e) The department shall immediately suspend the
537 registration of any caregiver charged with a violation of
538 chapter 893 until final disposition of any alleged offense. The
539 department shall revoke a caregiver registration if the
540 caregiver does not meet the requirements of subparagraph
541 (6) (b) 6.

542 (f) The department may revoke the registration of a
543 qualified patient or caregiver who cultivates marijuana or who
544 acquires, possesses, or delivers marijuana from any person or
545 entity other than a medical marijuana treatment center.

546 (g) The department shall revoke the registration of a
547 qualified patient, and the patient's associated caregiver, upon
548 notification that the patient no longer meets the criteria of a
549 qualified patient.

550 (h) The department may adopt rules pursuant to ss.
551 120.536(1) and 120.54 to implement this subsection.

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(6) CAREGIVERS.—

(a) The department must register an individual as a caregiver on the medical marijuana use registry and issue a caregiver identification card if an individual designated by a qualified patient meets all of the requirements of this subsection and department rule.

(b) A caregiver must:

1. Not be a qualified physician and not be employed by or have an economic interest in a medical marijuana treatment center or a marijuana testing laboratory.

2. Be 21 years of age or older and a resident of this state.

3. Agree in writing to assist with the qualified patient's medical use of marijuana.

4. Be registered in the medical marijuana use registry as a caregiver for no more than one qualified patient, except as provided in this paragraph.

5. Successfully complete a caregiver certification course developed and administered by the department or its designee, which must be renewed biennially. The price of the course may not exceed \$100.

6. Pass a background screening pursuant to subsection (9), unless the patient is a close relative of the caregiver.

(c) A qualified patient may designate no more than one caregiver to assist with the qualified patient's medical use of marijuana, unless:

1. The qualified patient is a minor and the designated caregivers are parents or legal guardians of the qualified patient;

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2. The qualified patient is an adult who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision and the designated caregivers are the parents or legal guardians of the qualified patient; or

3. The qualified patient is admitted to a hospice program.

(d) A caregiver may be registered in the medical marijuana use registry as a designated caregiver for no more than one qualified patient, unless:

1. The caregiver is a parent or legal guardian of more than one minor who is a qualified patient;

2. The caregiver is a parent or legal guardian of more than one adult who is a qualified patient and who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision; or

3. All qualified patients the caregiver has agreed to assist are admitted to a hospice program and have requested the assistance of that caregiver with the medical use of marijuana; the caregiver is an employee of the hospice; and the caregiver provides personal care or other services directly to clients of the hospice in the scope of that employment.

(e) A caregiver may not receive compensation, other than actual expenses incurred, for any services provided to the qualified patient.

(f) If a qualified patient is younger than 18 years of age, only a caregiver may purchase or administer marijuana for medical use by the qualified patient. The qualified patient may

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not purchase marijuana.

(g) A caregiver must be in immediate possession of his or her medical marijuana use registry identification card at all times when in possession of marijuana or a marijuana delivery device and must present his or her medical marijuana use registry identification card upon the request of a law enforcement officer.

(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(7) IDENTIFICATION CARDS.—

(a) The department shall issue medical marijuana use registry identification cards for qualified patients and caregivers who are residents of this state, which must be renewed annually. The identification cards must be resistant to counterfeiting and tampering and must include, at a minimum, the following:

1. The name, address, and date of birth of the qualified patient or caregiver.

2. A full-face, passport-type, color photograph of the qualified patient or caregiver taken within the 90 days immediately preceding registration or the Florida driver license or Florida identification card photograph of the qualified patient or caregiver obtained directly from the Department of Highway Safety and Motor Vehicles.

3. Identification as a qualified patient or a caregiver.

4. The unique numeric identifier used for the qualified patient in the medical marijuana use registry.

5. For a caregiver, the name and unique numeric identifier of the caregiver and the qualified patient or patients that the

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caregiver is assisting.

6. The expiration date of the identification card.

(b) The department must receive written consent from a qualified patient's parent or legal guardian before it may issue an identification card to a qualified patient who is a minor.

(c) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing procedures for the issuance, renewal, suspension, replacement, surrender, and revocation of medical marijuana use registry identification cards pursuant to this section and shall begin issuing qualified patient identification cards by October 3, 2017.

(d) Applications for identification cards must be submitted on a form prescribed by the department. The department may charge a reasonable fee associated with the issuance, replacement, and renewal of identification cards. The department shall allocate \$10 of the identification card fee to the Division of Research at Florida Agricultural and Mechanical University for the purpose of educating minorities about marijuana for medical use and the impact of the unlawful use of marijuana on minority communities. The department shall contract with a third-party vendor to issue identification cards. The vendor selected by the department must have experience performing similar functions for other state agencies.

(e) A qualified patient or caregiver shall return his or her identification card to the department within 5 business days after revocation.

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility

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and availability as necessary for qualified patients registered
in the medical marijuana use registry and who are issued a
physician certification under this section.

1. As soon as practicable, but no later than July 3, 2017,
the department shall license as a medical marijuana treatment
center any entity that holds an active, unrestricted license to
cultivate, process, transport, and dispense low-THC cannabis,
medical cannabis, and cannabis delivery devices, under former s.
381.986, Florida Statutes 2016, before July 1, 2017, and which
meets the requirements of this section. In addition to the
authority granted under this section, these entities are
authorized to dispense low-THC cannabis, medical cannabis, and
cannabis delivery devices ordered pursuant to former s. 381.986,
Florida Statutes 2016, which were entered into the compassionate
use registry before July 1, 2017, and are authorized to begin
dispensing marijuana under this section on July 3, 2017. The
department may grant variances from the representations made in
such an entity's original application for approval under former
s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).
Within 12 months, all processing facilities of medical marijuana
treatment centers licensed subject to this paragraph shall pass
a Food Safety Good Manufacturing Practices, such as Global Food
Safety Initiative or equivalent, inspection by a nationally
accredited certifying body. A medical marijuana treatment center
that fails to meet this requirement must immediately stop all
processing until it provides notice to the department that these
standards have been met.

2. The department shall license as medical marijuana
treatment centers 10 applicants that meet the requirements of

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697 this section, under the following parameters:

698 a. As soon as practicable, but no later than August 1,
699 2017, the department shall license any applicant whose
700 application was reviewed, evaluated, and scored by the
701 department and which was denied a dispensing organization
702 license by the department under former s. 381.986, Florida
703 Statutes 2014; which had one or more administrative or judicial
704 challenges pending as of January 1, 2017, or had a final ranking
705 within one point of the highest final ranking in its region
706 under former s. 381.986, Florida Statutes 2014; which meets the
707 requirements of this section; and which provides documentation
708 to the department that it has the existing infrastructure and
709 technical and technological ability to begin cultivating
710 marijuana within 30 days after registration as a medical
711 marijuana treatment center.

712 b. As soon as practicable, but no later than October 3,
713 2017, the department shall license one applicant that is a
714 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82
715 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1
716 (D.D.C. 2011) and is a member of the Black Farmers and
717 Agriculturalists Association-Florida Chapter. An applicant
718 licensed under this sub-subparagraph is exempt from the
719 requirements of subparagraphs (b)1. and (b)2.

720 c. As soon as practicable, but no later than October 3,
721 2017, the department shall license applicants that meet the
722 requirements of this section in sufficient numbers to result in
723 10 total licenses issued under this subparagraph, while
724 accounting for the number of licenses issued under sub-
725 paragraphs a. and b.

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726 3. For up to two of the licenses issued under subparagraph
727 2., the department shall give preference to applicants that
728 demonstrate in their applications that they own one or more
729 facilities that are, or were, used for the canning,
730 concentrating, or otherwise processing of citrus fruit or citrus
731 molasses and will use or convert the facility or facilities for
732 the processing of marijuana.

733 4. Within 6 months after the registration of 100,000 active
734 qualified patients in the medical marijuana use registry, the
735 department shall license four additional medical marijuana
736 treatment centers that meet the requirements of this section.
737 Thereafter, the department shall license four medical marijuana
738 treatment centers within 6 months after the registration of each
739 additional 100,000 active qualified patients in the medical
740 marijuana use registry that meet the requirements of this
741 section.

742 5. Dispensing facilities are subject to the following
743 requirements:

744 a. A medical marijuana treatment center may not establish
745 or operate more than a statewide maximum of 25 dispensing
746 facilities, unless the medical marijuana use registry reaches a
747 total of 100,000 active registered qualified patients. When the
748 medical marijuana use registry reaches 100,000 active registered
749 qualified patients, and then upon each further instance of the
750 total active registered qualified patients increasing by
751 100,000, the statewide maximum number of dispensing facilities
752 that each licensed medical marijuana treatment center may
753 establish and operate increases by five.

754 b. A medical marijuana treatment center may not establish

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755 more than the maximum number of dispensing facilities allowed in
756 each of the Northwest, Northeast, Central, Southwest, and
757 Southeast Regions. The department shall determine a medical
758 marijuana treatment center's maximum number of dispensing
759 facilities allowed in each region by calculating the percentage
760 of the total statewide population contained within that region
761 and multiplying that percentage by the medical marijuana
762 treatment center's statewide maximum number of dispensing
763 facilities established under sub-subparagraph a., rounded to the
764 nearest whole number. The department shall ensure that such
765 rounding does not cause a medical marijuana treatment center's
766 total number of statewide dispensing facilities to exceed its
767 statewide maximum. The department shall initially calculate the
768 maximum number of dispensing facilities allowed in each region
769 for each medical marijuana treatment center using county
770 population estimates from the Florida Estimates of Population
771 2016, as published by the Office of Economic and Demographic
772 Research, and shall perform recalculations following the
773 official release of county population data resulting from each
774 United States Decennial Census. For the purposes of this
775 subparagraph:

776 (I) The Northwest Region consists of Bay, Calhoun,
777 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
778 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
779 Walton, and Washington Counties.

780 (II) The Northeast Region consists of Alachua, Baker,
781 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
782 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
783 Suwannee, and Union Counties.

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(III) The Central Region consists of Brevard, Citrus, Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia Counties.

(IV) The Southwest Region consists of Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee, Okeechobee, and Sarasota Counties.

(V) The Southeast Region consists of Broward, Miami-Dade, Martin, Monroe, and Palm Beach Counties.

c. If a medical marijuana treatment center establishes a number of dispensing facilities within a region that is less than the number allowed for that region under sub-subparagraph b., the medical marijuana treatment center may sell one or more of its unused dispensing facility slots to other licensed medical marijuana treatment centers. For each dispensing facility slot that a medical marijuana treatment center sells, that medical marijuana treatment center's statewide maximum number of dispensing facilities, as determined under sub-subparagraph a., is reduced by one. The statewide maximum number of dispensing facilities for a medical marijuana treatment center that purchases an unused dispensing facility slot is increased by one per slot purchased. Additionally, the sale of a dispensing facility slot shall reduce the seller's regional maximum and increase the purchaser's regional maximum number of dispensing facilities, as determined in sub-subparagraph b., by one for that region. For any slot purchased under this sub-subparagraph, the regional restriction applied to that slot's location under sub-subparagraph b. before the purchase shall remain in effect following the purchase. A medical marijuana

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treatment center that sells or purchases a dispensing facility slot must notify the department within 3 days of sale.

d. This subparagraph shall expire on April 1, 2020.

If this subparagraph or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this subparagraph are severable.

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department

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shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in in the state.

2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.

3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.

4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.

5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.

7. The financial ability to maintain operations for the

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duration of the 2-year approval cycle, including the provision of certified financial statements to the department.

a. Upon approval, the applicant must post a \$5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a \$2 million performance bond.

b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.

8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).

9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.

10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the

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effectiveness of the diversity plan by including the following with his or her application for renewal:

a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;

b. Efforts to recruit minority persons and veterans for employment; and

c. A record of contracts for services with minority business enterprises and veteran business enterprises.

11. That all processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally recognized certifying body.

(c) A medical marijuana treatment center may not make a wholesale purchase of marijuana from, or a distribution of marijuana to, another medical marijuana treatment center, unless the medical marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.

(d) The department shall establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all medical marijuana treatment centers and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each medical marijuana treatment center shall use the seed-to-sale tracking system established by the department or integrate

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its own seed-to-sale tracking system with the seed-to-sale tracking system established by the department. Each medical marijuana treatment center may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department may not have a contractual relationship with the department to perform any services pursuant to this section other than the seed-to-sale tracking system. The vendor may not have a direct or indirect financial interest in a medical marijuana treatment center or a marijuana testing laboratory.

(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center

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958 can demonstrate to the department that it has a proposed
959 alternative to the specific representation made in its
960 application which fulfills the same or a similar purpose as the
961 specific representation in a way that the department can
962 reasonably determine will not be a lower standard than the
963 specific representation in the application. A variance may not
964 be granted from the requirements in subparagraph 2. and
965 subparagraphs (b)1. and 2.

966 1. A licensed medical marijuana treatment center may
967 transfer ownership to an individual or entity who meets the
968 requirements of this section. A publicly traded corporation or
969 publicly traded company that meets the requirements of this
970 section is not precluded from ownership of a medical marijuana
971 treatment center. To accommodate a change in ownership:

972 a. The licensed medical marijuana treatment center shall
973 notify the department in writing at least 60 days before the
974 anticipated date of the change of ownership.

975 b. The individual or entity applying for initial licensure
976 due to a change of ownership must submit an application that
977 must be received by the department at least 60 days before the
978 date of change of ownership.

979 c. Upon receipt of an application for a license, the
980 department shall examine the application and, within 30 days
981 after receipt, notify the applicant in writing of any apparent
982 errors or omissions and request any additional information
983 required.

984 d. Requested information omitted from an application for
985 licensure must be filed with the department within 21 days after
986 the department's request for omitted information or the

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987 application shall be deemed incomplete and shall be withdrawn
988 from further consideration and the fees shall be forfeited.

989
990 Within 30 days after the receipt of a complete application, the
991 department shall approve or deny the application.

992 2. A medical marijuana treatment center, and any individual
993 or entity who directly or indirectly owns, controls, or holds
994 with power to vote 5 percent or more of the voting shares of a
995 medical marijuana treatment center, may not acquire direct or
996 indirect ownership or control of any voting shares or other form
997 of ownership of any other medical marijuana treatment center.

998 3. A medical marijuana treatment center may not enter into
999 any form of profit-sharing arrangement with the property owner
1000 or lessor of any of its facilities where cultivation,
1001 processing, storing, or dispensing of marijuana and marijuana
1002 delivery devices occurs.

1003 4. All employees of a medical marijuana treatment center
1004 must be 21 years of age or older and have passed a background
1005 screening pursuant to subsection (9).

1006 5. Each medical marijuana treatment center must adopt and
1007 enforce policies and procedures to ensure employees and
1008 volunteers receive training on the legal requirements to
1009 dispense marijuana to qualified patients.

1010 6. When growing marijuana, a medical marijuana treatment
1011 center:

1012 a. May use pesticides determined by the department, after
1013 consultation with the Department of Agriculture and Consumer
1014 Services, to be safely applied to plants intended for human
1015 consumption, but may not use pesticides designated as

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restricted-use pesticides pursuant to s. 487.042.

b. Must grow marijuana within an enclosed structure and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.

8. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may have a potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles.

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Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

9. Before beginning medical marijuana treatment center related functions, all processing facilities of a medical marijuana treatment center must have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative, inspection by a nationally recognized certifying body. A medical marijuana treatment center that fails to pass such an inspection must immediately stop all processing until such time as the medical marijuana treatment center provides notice to the department that these standards have been met.

10. When processing marijuana, a medical marijuana treatment center must:

a. Process the marijuana within an enclosed structure and in a room separate from other plants or products.

b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for medical marijuana treatment centers to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The

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Department of Environmental Protection shall assist the department in developing such rules.

d. Test the processed marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select a random sample from edibles available for purchase in a dispensing facility which shall be tested by the department to determine that the edible meets the potency requirements of this section, is safe for human consumption, and the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall

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edibles, including all edibles made from the same batch of marijuana, which fail to meet the potency requirements of this section, which are unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The medical marijuana treatment center must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

(II) The name of the medical marijuana treatment center

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1132 from which the marijuana originates.

1133 (III) The batch number and harvest number from which the
1134 marijuana originates and the date dispensed.

1135 (IV) The name of the physician who issued the physician
1136 certification.

1137 (V) The name of the patient.

1138 (VI) The product name, if applicable, and dosage form,
1139 including concentration of tetrahydrocannabinol and cannabidiol.
1140 The product name may not contain wording commonly associated
1141 with products marketed by or to children.

1142 (VII) The recommended dose.

1143 (VIII) A warning that it is illegal to transfer medical
1144 marijuana to another person.

1145 (IX) A marijuana universal symbol developed by the
1146 department.

1147 11. The medical marijuana treatment center shall include in
1148 each package a patient package insert with information on the
1149 specific product dispensed related to:

1150 a. Clinical pharmacology.

1151 b. Indications and use.

1152 c. Dosage and administration.

1153 d. Dosage forms and strengths.

1154 e. Contraindications.

1155 f. Warnings and precautions.

1156 g. Adverse reactions.

1157 12. Each edible shall be individually sealed in plain,
1158 opaque wrapping marked only with the marijuana universal symbol.
1159 Where practical, each edible shall be marked with the marijuana
1160 universal symbol. In addition to the packaging and labeling

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requirements in subparagraphs 10. and 11., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol. The receptacle must also include a list all of the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

13. When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:

a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than a 70-day supply of marijuana to a qualified patient or caregiver.

c. Must have the medical marijuana treatment center's employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

d. Must verify that the qualified patient and the caregiver, if applicable, each has an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

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e. May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.

f. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.

g. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

h. Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana treatment center employees.

(f) To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, a medical marijuana treatment center shall:

1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; and

b. Maintain a video surveillance system that records continuously 24 hours a day and meets the following criteria:

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1219 (I) Cameras are fixed in a place that allows for the clear
1220 identification of persons and activities in controlled areas of
1221 the premises. Controlled areas include grow rooms, processing
1222 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1223 rooms.

1224 (II) Cameras are fixed in entrances and exits to the
1225 premises, which shall record from both indoor and outdoor, or
1226 ingress and egress, vantage points.

1227 (III) Recorded images must clearly and accurately display
1228 the time and date.

1229 (IV) Retain video surveillance recordings for at least 45
1230 days or longer upon the request of a law enforcement agency.

1231 2. Ensure that the medical marijuana treatment center's
1232 outdoor premises have sufficient lighting from dusk until dawn.

1233 3. Ensure that the indoor premises where dispensing occurs
1234 includes a waiting area with sufficient space and seating to
1235 accommodate qualified patients and caregivers and at least one
1236 private consultation area that is isolated from the waiting area
1237 and area where dispensing occurs. A medical marijuana treatment
1238 center may not display products or dispense marijuana or
1239 marijuana delivery devices in the waiting area.

1240 4. Not dispense from its premises marijuana or a marijuana
1241 delivery device between the hours of 9 p.m. and 7 a.m., but may
1242 perform all other operations and deliver marijuana to qualified
1243 patients 24 hours a day.

1244 5. Store marijuana in a secured, locked room or a vault.

1245 6. Require at least two of its employees, or two employees
1246 of a security agency with whom it contracts, to be on the
1247 premises at all times where cultivation, processing, or storing

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of marijuana occurs.

7. Require each employee or contractor to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

10. Report to local law enforcement within 24 hours after the medical marijuana treatment center is notified or becomes aware of the theft, diversion, or loss of marijuana.

(g) To ensure the safe transport of marijuana and marijuana delivery devices to medical marijuana treatment centers, marijuana testing laboratories, or qualified patients, a medical marijuana treatment center must:

1. Maintain a marijuana transportation manifest in any vehicle transporting marijuana. The marijuana transportation manifest must be generated from a medical marijuana treatment center's seed-to-sale tracking system and include the:

a. Departure date and approximate time of departure.

b. Name, location address, and license number of the originating medical marijuana treatment center.

c. Name and address of the recipient of the delivery.

d. Quantity and form of any marijuana or marijuana delivery device being transported.

e. Arrival date and estimated time of arrival.

f. Delivery vehicle make and model and license plate number.

g. Name and signature of the medical marijuana treatment center employees delivering the product.

(I) A copy of the marijuana transportation manifest must be

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provided to each individual, medical marijuana treatment center, or marijuana testing laboratory that receives a delivery. The individual, or a representative of the center or laboratory, must sign a copy of the marijuana transportation manifest acknowledging receipt.

(II) An individual transporting marijuana or a marijuana delivery device must present a copy of the relevant marijuana transportation manifest and his or her employee identification card to a law enforcement officer upon request.

(III) Medical marijuana treatment centers and marijuana testing laboratories must retain copies of all marijuana transportation manifests for at least 3 years.

2. Ensure only vehicles in good working order are used to transport marijuana.

3. Lock marijuana and marijuana delivery devices in a separate compartment or container within the vehicle.

4. Require employees to have possession of their employee identification card at all times when transporting marijuana or marijuana delivery devices.

5. Require at least two persons to be in a vehicle transporting marijuana or marijuana delivery devices, and require at least one person to remain in the vehicle while the marijuana or marijuana delivery device is being delivered.

6. Provide specific safety and security training to employees transporting or delivering marijuana and marijuana delivery devices.

(h) A medical marijuana treatment center may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:

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1306 1. The dispensing location of a medical marijuana treatment
1307 center may have a sign that is affixed to the outside or hanging
1308 in the window of the premises which identifies the dispensary by
1309 the licensee's business name, a department-approved trade name,
1310 or a department-approved logo. A medical marijuana treatment
1311 center's trade name and logo may not contain wording or images
1312 commonly associated with marketing targeted toward children or
1313 which promote recreational use of marijuana.

1314 2. A medical marijuana treatment center may engage in
1315 Internet advertising and marketing under the following
1316 conditions:

1317 a. All advertisements must be approved by the department.

1318 b. An advertisement may not have any content that
1319 specifically targets individuals under the age of 18, including
1320 cartoon characters or similar images.

1321 c. An advertisement may not be an unsolicited pop-up
1322 advertisement.

1323 d. Opt-in marketing must include an easy and permanent opt-
1324 out feature.

1325 (i) Each medical marijuana treatment center that dispenses
1326 marijuana and marijuana delivery devices shall make available to
1327 the public on its website:

1328 1. Each marijuana and low-THC product available for
1329 purchase, including the form, strain of marijuana from which it
1330 was extracted, cannabidiol content, tetrahydrocannabinol
1331 content, dose unit, total number of doses available, and the
1332 ratio of cannabidiol to tetrahydrocannabinol for each product.

1333 2. The price for a 30-day, 50-day, and 70-day supply at a
1334 standard dose for each marijuana and low-THC product available

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for purchase.

3. The price for each marijuana delivery device available for purchase.

4. If applicable, any discount policies and eligibility criteria for such discounts.

(j) Medical marijuana treatment centers are the sole source from which a qualified patient may legally obtain marijuana.

(k) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(9) BACKGROUND SCREENING.-An individual required to undergo a background screening pursuant to this section must pass a level 2 background screening as provided under chapter 435, which, in addition to the disqualifying offenses provided in s. 435.04, shall exclude an individual who has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to an offense under chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction.

(a) Such individual must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

(b) Fees for state and federal fingerprint processing and retention shall be borne by the individual. The state cost for fingerprint processing shall be as provided in s. 943.053(3) (e) for records provided to persons or entities other than those

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specified as exceptions therein.

(c) Fingerprints submitted to the Department of Law Enforcement pursuant to this subsection shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified shall be reported to the department.

(10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
ADMINISTRATIVE ACTIONS.—

(a) The department shall conduct announced or unannounced inspections of medical marijuana treatment centers to determine compliance with this section or rules adopted pursuant to this section.

(b) The department shall inspect a medical marijuana treatment center upon receiving a complaint or notice that the medical marijuana treatment center has dispensed marijuana containing mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.

(c) The department shall conduct at least a biennial inspection of each medical marijuana treatment center to evaluate the medical marijuana treatment center's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(d) The Department of Agriculture and Consumer Services and the department shall enter into an interagency agreement to ensure cooperation and coordination in the performance of their

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obligations under this section and their respective regulatory and authorizing laws. The department, the Department of Highway Safety and Motor Vehicles, and the Department of Law Enforcement may enter into interagency agreements for the purposes specified in this subsection or subsection (7).

(e) The department shall publish a list of all approved medical marijuana treatment centers, medical directors, and qualified physicians on its website.

(f) The department may impose reasonable fines not to exceed \$10,000 on a medical marijuana treatment center for any of the following violations:

1. Violating this section or department rule.
2. Failing to maintain qualifications for approval.
3. Endangering the health, safety, or security of a qualified patient.
4. Improperly disclosing personal and confidential information of the qualified patient.
5. Attempting to procure medical marijuana treatment center approval by bribery, fraudulent misrepresentation, or extortion.
6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a medical marijuana treatment center.
7. Making or filing a report or record that the medical marijuana treatment center knows to be false.
8. Willfully failing to maintain a record required by this section or department rule.
9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official

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duties.

10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a medical marijuana treatment center.

11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a medical marijuana treatment center.

12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a medical marijuana treatment center suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

(g) The department may suspend, revoke, or refuse to renew a medical marijuana treatment center license if the medical marijuana treatment center commits any of the violations in paragraph (f).

(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(11) PREEMPTION.—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.

(a) A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises a public or private elementary

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1451 school, middle school, or secondary school.

1452 (b)1. A county or municipality may, by ordinance, ban
1453 medical marijuana treatment center dispensing facilities from
1454 being located within the boundaries of that county or
1455 municipality. A county or municipality that does not ban
1456 dispensing facilities under this subparagraph may not place
1457 specific limits, by ordinance, on the number of dispensing
1458 facilities that may locate within that county or municipality.

1459 2. A municipality may determine by ordinance the criteria
1460 for the location of, and other permitting requirements that do
1461 not conflict with state law or department rule for, medical
1462 marijuana treatment center dispensing facilities located within
1463 the boundaries of that municipality. A county may determine by
1464 ordinance the criteria for the location of, and other permitting
1465 requirements that do not conflict with state law or department
1466 rule for, all such dispensing facilities located within the
1467 unincorporated areas of that county. Except as provided in
1468 paragraph (c), a county or municipality may not enact ordinances
1469 for permitting or for determining the location of dispensing
1470 facilities which are more restrictive than its ordinances
1471 permitting or determining the locations for pharmacies licensed
1472 under chapter 465. A municipality or county may not charge a
1473 medical marijuana treatment center a license or permit fee in an
1474 amount greater than the fee charged by such municipality or
1475 county to pharmacies. A dispensing facility location approved by
1476 a municipality or county pursuant to former s. 381.986(8)(b),
1477 Florida Statutes 2016, is not subject to the location
1478 requirements of this subsection.

1479 (c) A medical marijuana treatment center dispensing

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1480 facility may not be located within 500 feet of the real property
1481 that comprises a public or private elementary school, middle
1482 school, or secondary school unless the county or municipality
1483 approves the location through a formal proceeding open to the
1484 public at which the county or municipality determines that the
1485 location promotes the public health, safety, and general welfare
1486 of the community.

1487 (d) This subsection does not prohibit any local
1488 jurisdiction from ensuring medical marijuana treatment center
1489 facilities comply with the Florida Building Code, the Florida
1490 Fire Prevention Code, or any local amendments to the Florida
1491 Building Code or the Florida Fire Prevention Code.

1492 (12) PENALTIES.—

1493 (a) A qualified physician commits a misdemeanor of the
1494 first degree, punishable as provided in s. 775.082 or s.
1495 775.083, if the qualified physician issues a physician
1496 certification for the medical use of marijuana for a patient
1497 without a reasonable belief that the patient is suffering from a
1498 qualifying medical condition.

1499 (b) A person who fraudulently represents that he or she has
1500 a qualifying medical condition to a qualified physician for the
1501 purpose of being issued a physician certification commits a
1502 misdemeanor of the first degree, punishable as provided in s.
1503 775.082 or s. 775.083.

1504 (c) A qualified patient who uses marijuana, not including
1505 low-THC cannabis, or a caregiver who administers marijuana, not
1506 including low-THC cannabis, in plain view of or in a place open
1507 to the general public; in a school bus, a vehicle, an aircraft,
1508 or a boat; or on the grounds of a school except as provided in

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s. 1006.062, commits a misdemeanor of the first degree,
punishable as provided in s. 775.082 or s. 775.083.

(d) A qualified patient or caregiver who cultivates
marijuana or who purchases or acquires marijuana from any person
or entity other than a medical marijuana treatment center
violates s. 893.13 and is subject to the penalties provided
therein.

(e)1. A qualified patient or caregiver in possession of
marijuana or a marijuana delivery device who fails or refuses to
present his or her marijuana use registry identification card
upon the request of a law enforcement officer commits a
misdemeanor of the second degree, punishable as provided in s.
775.082 or s. 775.083, unless it can be determined through the
medical marijuana use registry that the person is authorized to
be in possession of that marijuana or marijuana delivery device.

2. A person charged with a violation of this paragraph may
not be convicted if, before or at the time of his or her court
or hearing appearance, the person produces in court or to the
clerk of the court in which the charge is pending a medical
marijuana use registry identification card issued to him or her
which is valid at the time of his or her arrest. The clerk of
the court is authorized to dismiss such case at any time before
the defendant's appearance in court. The clerk of the court may
assess a fee of \$5 for dismissing the case under this paragraph.

(f) A caregiver who violates any of the applicable
provisions of this section or applicable department rules, for
the first offense, commits a misdemeanor of the second degree,
punishable as provided in s. 775.082 or s. 775.083 and, for a
second or subsequent offense, commits a misdemeanor of the first

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degree, punishable as provided in s. 775.082 or s. 775.083.

(g) A qualified physician who issues a physician certification for marijuana or a marijuana delivery device and receives compensation from a medical marijuana treatment center related to the issuance of a physician certification for marijuana or a marijuana delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1) (n).

(h) A person transporting marijuana or marijuana delivery devices on behalf of a medical marijuana treatment center or marijuana testing laboratory who fails or refuses to present a transportation manifest upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(i) Persons and entities conducting activities authorized and governed by this section and s. 381.988 are subject to ss. 456.053, 456.054, and 817.505, as applicable.

(j) A person or entity that cultivates, processes, distributes, sells, or dispenses marijuana, as defined in s. 29(b)(4), Art. X of the State Constitution, and is not licensed as a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.

(k) A person who manufactures, distributes, sells, gives, or possesses with the intent to manufacture, distribute, sell, or give marijuana or a marijuana delivery device that he or she holds out to have originated from a licensed medical marijuana treatment center but that is counterfeit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term

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"counterfeit" means marijuana; a marijuana delivery device; or a marijuana or marijuana delivery device container, seal, or label which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a licensed medical marijuana treatment center and which thereby falsely purports or is represented to be the product of, or to have been distributed by, that licensed medical marijuana treatment facility.

(1) Any person who possesses or manufactures a blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued medical marijuana use registry identification card commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(13) UNLICENSED ACTIVITY.—

(a) If the department has probable cause to believe that a person or entity that is not registered or licensed with the department has violated this section, s. 381.988, or any rule adopted pursuant to this section, the department may issue and deliver to such person or entity a notice to cease and desist from such violation. The department also may issue and deliver a notice to cease and desist to any person or entity who aids and abets such unlicensed activity. The issuance of a notice to cease and desist does not constitute agency action for which a hearing under s. 120.569 or s. 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person or entity who violates any provisions of such order.

(b) In addition to the remedies under paragraph (a), the

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department may impose by citation an administrative penalty not to exceed \$5,000 per incident. The citation shall be issued to the subject and must contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. If the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section. Each day that the unlicensed activity continues after issuance of a notice to cease and desist constitutes a separate violation. The department shall be entitled to recover the costs of investigation and prosecution in addition to the fine levied pursuant to the citation. Service of a citation may be made by personal service or by mail to the subject at the subject's last known address or place of practice. If the department is required to seek enforcement of the cease and desist or agency order, it shall be entitled to collect attorney fees and costs.

(c) In addition to or in lieu of any other administrative remedy, the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist. The civil penalty shall be no less than \$5,000 and no more than \$10,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation and prosecution.

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(d) In addition to the other remedies provided in this section, the department or any state attorney may bring an action for an injunction to restrain any unlicensed activity or to enjoin the future operation or maintenance of the unlicensed activity or the performance of any service in violation of this section.

(e) The department must notify local law enforcement of such unlicensed activity for a determination of any criminal violation of chapter 893.

(14) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's caregiver may purchase from a medical marijuana treatment center for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana at any given time and all marijuana purchased must remain in its original packaging.

(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved medical marijuana treatment center and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of marijuana or a marijuana delivery device as provided in this section, s. 381.988, and by department rule. For the purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

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(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a certified marijuana testing laboratory, including an employee of a certified marijuana testing laboratory acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section, in s. 381.988, and by department rule.

(d) A licensed medical marijuana treatment center and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of marijuana or a marijuana delivery device, as provided in this section, s. 381.988, and by department rule.

(e) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

(f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section and pursuant to policies and procedures established pursuant to s. 1006.62(8), school personnel may possess marijuana that is obtained for medical use pursuant to this section by a student who is a qualified patient.

(g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a research institute established by a public

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postsecondary educational institution, such as the H. Lee Moffitt Cancer Center and Research Institute, Inc., established under s. 1004.43, or a state university that has achieved the preeminent state research university designation under s. 1001.7065 may possess, test, transport, and lawfully dispose of marijuana for research purposes as provided by this section.

(15) APPLICABILITY.—This section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy. This section does not require an employer to accommodate the medical use of marijuana in any workplace or any employee working while under the influence of marijuana. This section does not create a cause of action against an employer for wrongful discharge or discrimination. Marijuana, as defined in this section, is not reimbursable under chapter 440.

(16) FINES AND FEES.—Fines and fees collected by the department under this section shall be deposited in the Grants and Donations Trust Fund within the Department of Health.

Section 4. Paragraph (uu) is added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(uu) Issuing a physician certification, as defined in s. 381.986, in a manner out of compliance with the requirements of that section and rules adopted thereunder.

Section 5. Paragraph (ww) is added to subsection (1) of section 459.015, Florida Statutes, to read:

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459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):
(ww) Issuing a physician certification, as defined in s. 381.986, in a manner not in compliance with the requirements of that section and rules adopted thereunder.

Section 6. Section 381.988, Florida Statutes, is created to read:

381.988 Medical marijuana testing laboratories; marijuana tests conducted by a certified laboratory.—

(1) A person or entity seeking to be a certified marijuana testing laboratory must:

(a) Not be owned or controlled by a medical marijuana treatment center.

(b) Submit a completed application accompanied by an application fee, as established by department rule.

(c) Submit proof of an accreditation or a certification approved by the department issued by an accreditation or a certification organization approved by the department. The department shall adopt by rule a list of approved laboratory accreditations or certifications and accreditation or certification organizations.

(d) Require all owners and managers to submit to and pass a level 2 background screening pursuant to s. 435.04 and shall deny certification if the person or entity has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in chapter 837, chapter 895, or chapter 896 or similar law of another

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jurisdiction.

1. Such owners and managers must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

2. Fees for state and federal fingerprint processing and retention shall be borne by such owners or managers. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.

3. Fingerprints submitted to the Department of Law Enforcement pursuant to this paragraph shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified shall be reported to the department.

(e) Demonstrate to the department the capability of meeting the standards for certification required by this subsection, and the testing requirements of s. 381.986 and this section and rules adopted thereunder.

(2) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for initial certification and biennial renewal, including initial application and biennial renewal fees sufficient to cover the

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costs of administering this certification program. The department shall renew the certification biennially if the laboratory meets the requirements of this section and pays the biennial renewal fee.

(3) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing the standards for certification of marijuana testing laboratories under this section. The Department of Agriculture and Consumer Services and the Department of Environmental Protection shall assist the department in developing the rule, which must include, but is not limited to:

- (a) Security standards.
- (b) Minimum standards for personnel.
- (c) Sample collection method and process standards.
- (d) Proficiency testing for tetrahydrocannabinol potency, concentration of cannabidiol, and contaminants unsafe for human consumption, as determined by department rule.
- (e) Reporting content, format, and frequency.
- (f) Audits and onsite inspections.
- (g) Quality assurance.
- (h) Equipment and methodology.
- (i) Chain of custody.
- (j) Any other standard the department deems necessary to ensure the health and safety of the public.

(4) A marijuana testing laboratory may acquire marijuana only from a medical marijuana treatment center. A marijuana testing laboratory is prohibited from selling, distributing, or transferring marijuana received from a marijuana treatment center, except that a marijuana testing laboratory may transfer

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1799 a sample to another marijuana testing laboratory in this state.

1800 (5) A marijuana testing laboratory must properly dispose of
1801 all samples it receives, unless transferred to another marijuana
1802 testing laboratory, after all necessary tests have been
1803 conducted and any required period of storage has elapsed, as
1804 established by department rule.

1805 (6) A marijuana testing laboratory shall use the computer
1806 software tracking system selected by the department under s.
1807 381.986.

1808 (7) The following acts constitute grounds for which
1809 disciplinary action specified in subsection (8) may be taken
1810 against a certified marijuana testing laboratory:

1811 (a) Permitting unauthorized persons to perform technical
1812 procedures or issue reports.

1813 (b) Demonstrating incompetence or making consistent errors
1814 in the performance of testing or erroneous reporting.

1815 (c) Performing a test and rendering a report thereon to a
1816 person or entity not authorized by law to receive such services.

1817 (d) Failing to file any report required under this section
1818 or s. 381.986 or the rules adopted thereunder.

1819 (e) Reporting a test result if the test was not performed.

1820 (f) Failing to correct deficiencies within the time
1821 required by the department.

1822 (g) Violating or aiding and abetting in the violation of
1823 any provision of s. 381.986 or this section or any rules adopted
1824 thereunder.

1825 (8) The department may refuse to issue or renew, or may
1826 suspend or revoke, the certification of a marijuana testing
1827 laboratory that is found to be in violation of this section or

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any rules adopted hereunder. The department may impose fines for violations of this section or rules adopted thereunder, based on a schedule adopted in rule. In determining the administrative action to be imposed for a violation, the department must consider the following factors:

(a) The severity of the violation, including the probability of death or serious harm to the health or safety of any person that may result or has resulted; the severity or potential harm; and the extent to which s. 381.986 or this section were violated.

(b) The actions taken by the marijuana testing laboratory to correct the violation or to remedy the complaint.

(c) Any previous violation by the marijuana testing laboratory.

(d) The financial benefit to the marijuana testing laboratory of committing or continuing the violation.

(9) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

(10) Fees collected by the department under this section shall be deposited in the Grants and Donations Trust Fund within the Department of Health.

Section 7. Section 381.989, Florida Statutes, is created to read:

381.989 Public education campaigns.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Cannabis" has the same meaning as in s. 893.02.

(b) "Department" means the Department of Health.

(c) "Marijuana" has the same meaning as in s. 381.986.

(2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT

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USE PREVENTION CAMPAIGN.—

(a) The department shall implement a statewide cannabis and marijuana education and illicit use prevention campaign to publicize accurate information regarding:

1. The legal requirements for licit use and possession of marijuana in this state.

2. Safe use of marijuana, including preventing access by persons other than qualified patients as defined in s. 381.986, particularly children.

3. The short-term and long-term health effects of cannabis and marijuana use, particularly on minors and young adults.

4. Other cannabis-related and marijuana-related education determined by the department to be necessary to the public health and safety.

(b) The department shall provide educational materials regarding the eligibility for medical use of marijuana by individuals diagnosed with a terminal condition to individuals that provide palliative care or hospice services.

(c) The department may use television messaging, radio broadcasts, print media, digital strategies, social media, and any other form of messaging deemed necessary and appropriate by the department to implement the campaign. The department may work with school districts, community organizations, and businesses and business organizations and other entities to provide training and programming.

(d) The department may contract with one or more vendors to implement the campaign.

(e) The department shall contract with an independent entity to conduct annual evaluations of the campaign. The

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evaluations shall assess the reach and impact of the campaign, success in educating the citizens of the state regarding the legal parameters for marijuana use, success in preventing illicit access by adults and youth, and success in preventing negative health impacts from the legalization of marijuana. The first year of the program, the evaluator shall conduct surveys to establish baseline data on youth and adult cannabis use, the attitudes of youth and the general public toward cannabis and marijuana, and any other data deemed necessary for long-term analysis. By January 31 of each year, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives the annual evaluation of the campaign.

(3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

(a) The Department of Highway Safety and Motor Vehicles shall implement a statewide impaired driving education campaign to raise awareness and prevent marijuana-related and cannabis-related impaired driving and may contract with one or more vendors to implement the campaign. The Department of Highway Safety and Motor Vehicles may use television messaging, radio broadcasts, print media, digital strategies, social media, and any other form of messaging deemed necessary and appropriate by the department to implement the campaign.

(b) At a minimum, the Department of Highway Safety and Motor Vehicles or a contracted vendor shall establish baseline data on the number of marijuana-related citations for driving under the influence, marijuana-related traffic arrests, marijuana-related traffic accidents, and marijuana-related traffic fatalities, and shall track these measures annually

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thereafter. The Department of Highway Safety and Motor Vehicles or a contracted vendor shall annually evaluate and compile a report on the efficacy of the campaign based on those measures and other measures established by the Department of Highway Safety and Motor Vehicles. By January 31 of each year, the Department of Highway Safety and Motor Vehicles shall submit the report on the evaluation of the campaign to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 8. Subsection (1) of section 385.211, Florida Statutes, is amended to read:

385.211 Refractory and intractable epilepsy treatment and research at recognized medical centers.—

(1) As used in this section, the term "low-THC cannabis" means "low-THC cannabis" as defined in s. 381.986 that is dispensed only from a dispensing organization as defined in former s. 381.986, Florida Statutes 2016, or a medical marijuana treatment center as defined in s. 381.986.

Section 9. Paragraphs (b) through (e) of subsection (2) of section 499.0295, Florida Statutes, are redesignated as paragraphs (a) through (d), respectively, and present paragraphs (a) and (c) of that subsection, and subsection (3) of that section are amended, to read:

499.0295 Experimental treatments for terminal conditions.—

(2) As used in this section, the term:

~~(a) "Dispensing organization" means an organization approved by the Department of Health under s. 381.986(5) to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices.~~

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1944 (b) ~~(e)~~ "Investigational drug, biological product, or
1945 device" means:

1946 1. a drug, biological product, or device that has
1947 successfully completed phase 1 of a clinical trial but has not
1948 been approved for general use by the United States Food and Drug
1949 Administration and remains under investigation in a clinical
1950 trial approved by the United States Food and Drug
1951 Administration; ~~or~~

1952 2. ~~Medical cannabis that is manufactured and sold by a~~
1953 ~~dispensing organization.~~

1954 (3) Upon the request of an eligible patient, a manufacturer
1955 may, ~~or upon a physician's order pursuant to s. 381.986, a~~
1956 ~~dispensing organization may:~~

1957 (a) Make its investigational drug, biological product, or
1958 device available under this section.

1959 (b) Provide an investigational drug, biological product, or
1960 ~~device, or cannabis delivery device as defined in s. 381.986 to~~
1961 an eligible patient without receiving compensation.

1962 (c) Require an eligible patient to pay the costs of, or the
1963 costs associated with, the manufacture of the investigational
1964 drug, biological product, or device, ~~or cannabis delivery device~~
1965 ~~as defined in s. 381.986.~~

1966 Section 10. Subsection (3) of section 893.02, Florida
1967 Statutes, is amended to read:

1968 893.02 Definitions.—The following words and phrases as used
1969 in this chapter shall have the following meanings, unless the
1970 context otherwise requires:

1971 (3) "Cannabis" means all parts of any plant of the genus
1972 *Cannabis*, whether growing or not; the seeds thereof; the resin

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extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986.

Section 11. Section 1004.4351, Florida Statutes, is created to read:

1004.4351 Medical marijuana research and education.—

(1) SHORT TITLE.—This section shall be known and may be cited as the "Medical Marijuana Research and Education Act."

(2) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) The present state of knowledge concerning the use of marijuana to alleviate pain and treat illnesses is limited because permission to perform clinical studies on marijuana is difficult to obtain, with access to research-grade marijuana so restricted that little or no unbiased studies have been performed.

(b) Under the State Constitution, marijuana is available for the treatment of certain debilitating medical conditions.

(c) Additional clinical studies are needed to ensure that the residents of this state obtain the correct dosing, formulation, route, modality, frequency, quantity, and quality of marijuana for specific illnesses.

(d) An effective medical marijuana research and education program would mobilize the scientific, educational, and medical resources that presently exist in this state to determine the appropriate and best use of marijuana to treat illness.

(3) DEFINITIONS.—As used in this section, the term:

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(a) "Board" means the Medical Marijuana Research and Education Board.

(b) "Coalition" means the Coalition for Medical Marijuana Research and Education.

(c) "Marijuana" has the same meaning as provided in s. 29, Art. X of the State Constitution.

(4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND EDUCATION.—

(a) There is established within the H. Lee Moffitt Cancer Center and Research Institute, Inc., the Coalition for Medical Marijuana Research and Education. The purpose of the coalition is to conduct rigorous scientific research, provide education, disseminate research, and guide policy for the adoption of a statewide policy on ordering and dosing practices for the medical use of marijuana. The coalition shall be physically located at the H. Lee Moffitt Cancer Center and Research Institute, Inc.

(b) The Medical Marijuana Research and Education Board is established to direct the operations of the coalition. The board shall be composed of seven members appointed by the chief executive officer of the H. Lee Moffitt Cancer Center and Research Institute, Inc. Board members must have experience in a variety of scientific and medical fields, including, but not limited to, oncology, neurology, psychology, pediatrics, nutrition, and addiction. Members shall be appointed to 4-year terms and may be reappointed to serve additional terms. The chair shall be elected by the board from among its members to serve a 2-year term. The board shall meet at least semiannually at the call of the chair or, in his or her absence or

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incapacity, the vice chair. Four members constitute a quorum. A majority vote of the members present is required for all actions of the board. The board may prescribe, amend, and repeal a charter governing the manner in which it conducts its business. A board member shall serve without compensation but is entitled to be reimbursed for travel expenses by the coalition or the organization he or she represents in accordance with s. 112.061.

(c) The coalition shall be administered by a coalition director, who shall be appointed by and serve at the pleasure of the board. The coalition director shall, subject to the approval of the board:

1. Propose a budget for the coalition.
2. Foster the collaboration of scientists, researchers, and other appropriate personnel in accordance with the coalition's charter.
3. Identify and prioritize the research to be conducted by the coalition.
4. Prepare the Medical Marijuana Research and Education Plan for submission to the board.
5. Apply for grants to obtain funding for research conducted by the coalition.

6. Perform other duties as determined by the board.

(d) The board shall advise the Board of Governors, the State Surgeon General, the Governor, and the Legislature with respect to medical marijuana research and education in this state. The board shall explore methods of implementing and enforcing medical marijuana laws in relation to cancer control, research, treatment, and education.

(e) The board shall annually adopt a plan for medical

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marijuana research, known as the "Medical Marijuana Research and Education Plan," which must be in accordance with state law and coordinate with existing programs in this state. The plan must include recommendations for the coordination and integration of medical, pharmacological, nursing, paramedical, community, and other resources connected with the treatment of debilitating medical conditions; research related to the treatment of such medical conditions; and education.

(f) By February 15 of each year, the board shall issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on research projects, community outreach initiatives, and future plans for the coalition.

(g) Beginning January 15, 2018, and quarterly thereafter, the Department of Health shall submit to the board a data set that includes, for each patient registered in the medical marijuana use registry, the patient's qualifying medical condition and the daily dose amount and forms of marijuana certified for the patient.

(5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center and Research Institute, Inc., shall allocate staff and provide information and assistance, as the coalition's budget permits, to assist the board in fulfilling its responsibilities.

Section 12. Subsection (1) of section 1004.441, Florida Statutes, is amended to read:

1004.441 Refractory and intractable epilepsy treatment and research.—

(1) As used in this section, the term "low-THC cannabis"

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means "low-THC cannabis" as defined in s. 381.986 that is dispensed only from a dispensing organization as defined in former s. 381.986, Florida Statutes 2016, or a medical marijuana treatment center as defined in s. 381.986.

Section 13. Subsection (8) is added to section 1006.062, Florida Statutes, to read:

1006.062 Administration of medication and provision of medical services by district school board personnel.—

(8) Each district school board shall adopt a policy and a procedure for allowing a student who is a qualified patient, as defined in s. 381.986, to use marijuana obtained pursuant to that section. Such policy and procedure shall ensure access by the qualified patient; identify how the marijuana will be received, accounted for, and stored; and establish processes to prevent access by other students and school personnel whose access would be unnecessary for the implementation of the policy.

Section 14. Department of Health; authority to adopt rules; cause of action.—

(1) EMERGENCY RULEMAKING.—

(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, and this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void

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emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.

(b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(a), Florida Statutes, if the department or the applicable boards have, before the effective date of this act, held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection are subject to the time schedules provided in s. 120.56(5), Florida Statutes.

(c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. By January 1, 2018, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after January 1, 2018, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section.

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(2) CAUSE OF ACTION.—

(a) As used in s. 29(d)(3), Article X of the State Constitution, the term:

1. "Issue regulations" means the filing by the department of a rule or emergency rule for adoption with the Department of State.

2. "Judicial relief" means an action for declaratory judgment pursuant to chapter 86, Florida Statutes.

(b) The venue for actions brought against the department pursuant to s. 29(d)(3), Article X of the State Constitution shall be in the circuit court in and for Leon County.

(c) If the department is not issuing patient and caregiver identification cards or licensing medical marijuana treatment centers by October 3, 2017, the following shall be a defense to a cause of action brought under s. 29(d)(3), Article X of the State Constitution:

1. The department is unable to issue patient and caregiver identification cards or license medical marijuana treatment centers due to litigation challenging a rule as an invalid exercise of delegated legislative authority or unconstitutional.

2. The department is unable to issue patient or caregiver identification cards or license medical marijuana treatment centers due to a rule being held as an invalid exercise of delegated legislative authority or unconstitutional.

Section 15. Department of Law Enforcement; training related to medical use of marijuana.—The Department of Law Enforcement shall develop a 4-hour online initial training course, and a 2-hour online continuing education course, which shall be made available for use by all law enforcement agencies in this state.

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Such training shall cover the legal parameters of marijuana-related activities governed by ss. 381.986 and 381.988, Florida Statutes, relating to criminal laws governing marijuana.

Section 16. Section 385.212, Florida Statutes, is amended to read:

385.212 Powers and duties of the Department of Health; Office of Medical Marijuana ~~Compassionate~~ Use.—

(1) The Department of Health shall establish an Office of Medical Marijuana ~~Compassionate~~ Use under the direction of the Deputy State Health Officer.

(2) The Office of Medical Marijuana ~~Compassionate~~ Use may enhance access to investigational new drugs for Florida patients through approved clinical treatment plans or studies. The Office of Medical Marijuana ~~Compassionate~~ Use may:

(a) Create a network of state universities and medical centers recognized pursuant to s. 381.925.

(b) Make any necessary application to the United States Food and Drug Administration or a pharmaceutical manufacturer to facilitate enhanced access to medical ~~compassionate~~ use of marijuana for Florida patients.

(c) Enter into any agreements necessary to facilitate enhanced access to medical ~~compassionate~~ use of marijuana for Florida patients.

(3) The department may adopt rules necessary to implement this section.

(4) The Office of Medical Marijuana Use shall administer and enforce s. 381.986.

Section 17. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity

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does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 18. The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes a law.

Section 19. (1) For the 2017-2018 fiscal year, 55 full-time equivalent positions, with associated salary rate of 2,198,860, are authorized and the sums of \$3.5 million in nonrecurring funds from the General Revenue Fund and \$4,055,292 in recurring funds and \$1,238,148 in nonrecurring funds from the Grants and Donations Trust Fund are appropriated to the Department of Health for the purpose of implementing the requirements of this act. Of the funds appropriated, \$3,158,572 in recurring funds and \$1,238,148 in nonrecurring funds from the Grants and Donations Trust Fund and 27 full-time equivalent positions shall be placed in reserve. The Department of Health is authorized to submit budget amendments requesting the release of funds being held in reserve pursuant to chapter 216, Florida Statutes contingent upon need and demonstration of fee collections to support the budget authority.

(2) For the 2017-2018 fiscal year, the sum of \$500,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Health to implement the statewide cannabis and marijuana education and illicit use prevention campaign established under s. 381.989, Florida Statutes.

(3) For the 2017-2018 fiscal year, the sum of \$5 million in

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nonrecurring funds from the Highway Safety Operating Trust Fund are appropriated to the Department of Highway Safety and Motor Vehicles to implement the statewide impaired driving education campaign established under s. 381.989, Florida Statutes.

(4) For the 2017-2018 fiscal year, the sum of \$100,000 in recurring funds from the Highway Safety Operating Trust Fund is appropriated to the Department of Highway Safety and Motor Vehicles for the purpose of training additional law enforcement officers as drug recognition experts.

(5) For the 2017-2018 fiscal year, the sum of \$750,000 in nonrecurring funds from the General Revenue Fund is provided for the Coalition for Medicinal Cannabis Research and Education at the H. Lee Moffitt Cancer Center and Research Institute, Inc., to conduct medical cannabis research.

Section 20. This act shall take effect upon becoming a law.



MEMORANDUM

TO: Shawna Martin, Principal Planner
Development Support and Environmental Services Department

FROM: Susan Denny, Senior Planner, Land Use Planning
Tallahassee-Leon County Planning Department

THRU: Russell Snyder, Administrator, Land Use Planning
Tallahassee-Leon County Planning Department

DATE: August 21, 2017

SUBJECT: Consistency Review—Medical Marijuana Dispensing Facilities Ordinance

Description of the Proposed Change:

The proposed ordinance amends the existing code to allow marijuana dispensing facilities in zoning districts that have drug stores or retail commercial as a principal use consistent with state law. It also requires a 500-foot minimum separation of such dispensaries from schools (private or public), unless approved by the County through a formal proceeding through the Board of Adjustment and Appeals.

Analysis of Consistency with the Tallahassee-Leon County Comprehensive Plan

Dispensing medical marijuana has only recently become a legal business in the state of Florida. Therefore, medical marijuana dispensaries are an entirely new land use type, not previously addressed in prior zoning codes. The proposed ordinance likens medical marijuana dispensaries to drug stores since they both sell a physician-prescribed medical product at a retail level. Therefore, the proposed ordinance permits medical marijuana dispensaries to be located in zoning districts that include drug stores or retail commercial as principal uses.

The Tallahassee-Leon County Comprehensive Plan defines the appropriate location of commercial uses through the Future Land Use Map (FLUM) categories (Objective 2.2 [L] and associated policies) and the commercial location standards (Objective 3.1 and associated policies). Land development regulations, including zoning regulations, are required to be consistent with the FLUM and location standards in the Comprehensive Plan. Therefore, the commercial and mixed use zoning districts where dispensaries will be allowed are sited consistent with the Comprehensive Plan.

The proposed ordinance also requires a 500-foot separation between schools, with some exceptions. The Comprehensive Plan does not address the separation between schools or from retail land uses.

Finding of Consistency with the Tallahassee-Leon County Comprehensive Plan

Based on the findings above, the Planning Department finds the Medical Marijuana Dispensing Facilities Ordinance consistent with the Tallahassee-Leon County Comprehensive Plan.

NOTICE OF ESTABLISHMENT OR CHANGE OF A LAND USE REGULATION

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, October 10, 2017, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider adoption of an ordinance entitled to wit:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA; AMENDING SECTION 10-6.819 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "MEDICAL MARIJUANA DISPENSING FACILITIES"; RENAMING SECTION 10-6.819 TO "MEDICAL MARIJUANA FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Copies of said ordinance may be inspected at the following locations during regular business hours:

Leon County Courthouse
301 S. Monroe St., 5th Floor Reception Desk
Tallahassee, FL 32301

and

Leon County Clerk's Office
315 S. Calhoun Street, Room 750
Tallahassee, Florida 32301

Advertise: October 3, 2017

**Leon County
Board of County Commissioners**

Notes for Agenda Item #10

Leon County Board of County Commissioners

Agenda Item #10

October 10, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator
Herbert W.A. Thiele, County Attorney

Title: First and Only Public Hearing to Consider an Ordinance Amending Chapter 16 to Implement a Regulatory Framework for Communications Facilities, including Wireless Facilities, and Utility Poles in the County's Rights-of-Way

Review and Approval:	Vincent S. Long, County Administrator Herbert W.A. Thiele, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator
Lead Staff/ Project Team:	Tony Park, Director of Public Works Charles Wu, County Engineer Jessica Icerman, Assistant County Attorney Nicki Paden, Management Analyst

Statement of Issue:

This agenda item requests the Board conduct the first and only public hearing and to adopt the proposed Ordinance amending Chapter 16 of the County's Code, "Streets, Roads, and Public Ways", to implement a regulatory framework for communications facilities, including wireless facilities, and utility poles within the County's rights-of-way.

Fiscal Impact:

This item has a fiscal impact to the County. The County is pre-empted under State law from charging a fee for the significant staff time to review these new permits. In addition, State law prescribes specific timeframes for the permits to be reviewed. State law allows communications providers to utilize County-owned poles for the placement of devices and allows the County to charge a maximum rate of \$150 per year for each pole utilized.

Staff Recommendation:

Option #1: Conduct the first and only Public Hearing and adopt the proposed Ordinance Amending Chapter 16 of the Code of Laws of Leon County, to implement a regulatory framework for communications Facilities, including wireless facilities, and Utility Poles, in the County's rights-of-way (Attachment #1).

Report and Discussion

Background:

On December 13, 2016, the Board accepted a Status Report on emerging wireless communication facilities that are being deployed in public rights-of-way ("ROW") across the country to expand and improve data coverage. Since the County does not have a regulatory framework for such new technologies within the ROW, the Board adopted Resolution No. 16-41 (Attachment #3) to establish a temporary cessation for the placement, construction or installation of wireless facilities in the ROW. This Resolution was set to expire on June 14, 2017. Following the passage of the Advanced Wireless Infrastructure Deployment Act ("AWIDA") (Attachment #5), the Board adopted Resolution No. 17-08 to extend the Moratorium to October 12, 2017 (Attachment #4).

This item seeks the Board's approval of an Ordinance implementing the AWIDA. Further, in an effort to avoid claims of discrimination between communications providers, the proposed Ordinance also regulates all communications facilities, including at-grade, below-grade, wireline, and wireless facilities, and utility poles within the ROW. The proposed Ordinance is one of the first in the State to implement the AWIDA and is expected to be a model for other local governments.

Analysis:

The AWIDA, approved by the 2017 Florida Legislature, grants wireless communications service providers and wireless infrastructure providers access to public ROW and utility poles owned by the County. The AWIDA pre-empts the County from imposing certain regulations. Staff believes the proposed Ordinance complies with the AWIDA while also imposing reasonable location context, color, stealth, and concealment requirements.

Prior to and during the drafting of the proposed Ordinance, County staff created an interdepartmental/intergovernmental workgroup identified as the Cell Tower Workgroup. The Cell Tower Workgroup convened regularly from January to August 2017, and included staff from the County Attorney's Office, County Administration, Public Works, Development Support and Environmental Management, Talquin Electric Cooperative, City of Tallahassee ("COT") City Attorney's Office, COT Real Estate, COT Traffic Engineering and COT Electric. In addition, the Workgroup invited at-grade, below-grade, wireline, and wireless communication industry representatives to several meetings to provide comments, suggestions, and revisions regarding the proposed ordinance. Industry participants included Ansco & Associates, AT&T, Comcast, Crown Castle, Electronet, Mobilitie, Uniti Fiber, and Verizon. As a result of the cooperation between the County, City, and industry, the proposed Ordinance is a balance of the needs of the industry as well as the needs of the community, to the extent permitted by law.

The City also has a proposed Ordinance regulating communications facilities that is anticipated to go before the City Commissioners for consideration at a public hearing on October 25, 2017. The City's proposed Ordinance is structured and organized differently than the County's

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proposed Ordinance and outlines a different appeal process. However, overall, the City's proposed Ordinance does not significantly vary from the County's Ordinance.

The County's proposed Ordinance amends Chapter 16 of the County's Code, "Streets, Roads, and Public Ways" to create a regulatory framework for the deployment of communications facilities and utility poles within the County's ROW. The proposed Ordinance was reviewed by an outside legal counsel to ensure legality and compliance with the AWIDA.

The proposed Ordinance attached to the September 20th agenda item requesting to schedule this Public Hearing was amended to clarify the tree removal requirements and to correct errors of an editorial nature. The County Attorney's Office also spoke with Comcast regarding the issues raised at the Board's September 20, 2017 meeting. As a result of the discussion, the proposed Ordinance was amended to exempt the replacement and removal of aerial wireline facilities from permitting requirements. Further, the proposed Ordinance was amended to decrease the certification requirement for micro wireless facilities from 30 days to 14 days and to add a provision to allow the County Engineer to waive the certification requirement at his or her discretion.

The following sections provide an overview of each division of the revised and final proposed Ordinance.

Article IV: Utility Placement within the Public Rights-of-way

Article IV is an existing section in Chapter 16 of the Leon County Code of Laws. A new section was added to clarify that Article IV is applicable to all utilities other than communications facilities. The law remains unchanged for ROW use of utilities, such as water, sewer, gas, electric, and power.

Article V: Communications Facilities and Utility Poles within the Public Rights-of-way

Article V is an entirely new article and applies to all communications facilities located within the County's ROW. The ROW is a physically limited resource and is critical to the travel and transport of persons and property. Additionally, it is crucial that the ROW is maintained such that travel is permitted in a safe and efficient manner. Article V seeks to regulate the ROW for use by communications facilities to ensure public safety, minimal inconvenience to the public, coordination of users, maximization of available space, reduction of maintenance costs and to facilitate entry of an optimal number of users.

Division 1: In General

Registration and Permit Conditions

Prior to becoming eligible to apply for a permit to place or maintain a communication structure in the County's ROW, all communications services providers, wireless infrastructure providers and pass-through providers must register with the County. Registration requirements include the contact information, type of service the applicant intends to provide, proof of insurance, and a

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copy of a certificate of authorization or public convenience and necessity provided by a federal authority. Upon registering and receiving a permit, the proposed ordinance requires compliance with general conditions such as: ensuring the restoration of the ROW following the completion of construction; maintenance of equipment in accordance with industry standards; a right of inspection; and the immediate correction of harmful conditions. Upon failure to comply with the provisions provided in proposed ordinance, the applicant risks the loss of the performance bond and/or security fund, the suspension or termination of their registration or permit, and/or being fined.

Performance Bond and Security Fund

The proposed ordinance requires a performance bond from each applicant upon applying for a permit to ensure the timeliness and quality of construction, and restoration of the ROW. Applicants for at-grade, below-grade, and wireline facilities and utility poles are required to provide a performance bond for the amount of the estimated costs of restoration of the ROW. A performance bond is not required if the estimated cost of restoration is less than \$2,500 and the applicant has a full security fund with the County. Applicants for wireless facilities will also be required to provide a performance bond for the amount of the estimated costs of restoration; however, the performance bond may not be less than \$5,000.

Additionally, the proposed ordinance requires applicants to file a security fund to be used as recovery for any fines that may be imposed for violations of the proposed ordinance and for damages or loss beyond the timeframe of construction, such as the cost to remove abandoned facilities. Applicants will be required to file a \$10,000 security fund in the form of cash deposit or an irrevocable letter of credit. To maintain compliance with the AWIDA and to prevent claims of discrimination, the proposed ordinance requires a security fund to be filed by all communication providers including those that already provide services in the County. The Workgroup deliberated with industry participants to identify an amount that would provide reasonable protection to the County without being cost prohibitive to providers. Based upon the feedback provided by the outside legal counsel, the County's security fund is anticipated to be one of the lowest among Florida local governments.

Appeal process

In the event that an applicant is not satisfied with a decision made by the County Engineer, applicants may file a Petition within 30 days of receiving the final written decision. The Petition is referred to a special master or administrative law judge to hold a hearing and enter a recommended order approving, approving with conditions, or denying the decision that is subject to appeal. The recommended order is then presented to the Board at a public hearing to hear arguments by the parties, receive public comment, and to consider the recommended order.

The proposed Ordinance permits the County to contract with a special master or the Florida Division of Administrative Hearings (DOAH) for the assignment of an administrative law judge to conduct proceedings. The County currently maintains a contract with DOAH for appeals of development orders which will be expanded to include appeals in this section should the Board

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adopt the proposed Ordinance. The Board is bound to the findings of fact in the recommended order unless the Board determines that the facts are not supported by competent substantial evidence. The Board may modify the conclusions of law in the recommended order if it finds the application of law was erroneous. The Board enters a final order, with the final order being appealable to the circuit court by writ of certiorari.

Division 2: At-grade, Below-grade, and Wireline Communication Facilities and Utility Pole Standards

Permit Application Requirements and Review

The proposed Ordinance regulates all types of communications facilities within the ROW, including at-grade, below-grade and wireline communications facilities. Additionally, the AWIDA requires regulations for new utility poles supporting the collocation of small wireless facilities to be the same as regulations for all other types of utility poles. Therefore, the proposed Ordinance also regulates the placement of all types of utility poles within the ROW, including the placement of electric distribution poles placed by the City, Talquin Electric Cooperative, or Duke Electric. To ensure compliance with the proposed Ordinance, the County requires the following to be included in permit applications (if applicable):

- Engineering plan which includes:
 - Type of proposed facility, location, dimensions, height, footprint, stealth design and concealment features of the proposed facility;
 - Distances between the proposed facility or utility pole and nearby pavement, sidewalks, driveways, ramps, trees, underground utilities, and other above-grade and below-grade structures located within the County's ROW;
 - Compliance with the Florida Building Code the Florida Department of Transportation's Manual of Minimum Standards and, the Utility Accommodation Guide, and the National Electric Safety Code, as amended and as applicable; and
 - Trees or landscaping to be removed or impacted upon the Placement or Maintenance of the proposed Facility or Utility Pole.
- Description of installation or construction;
- Temporary sidewalk closure plan;
- Temporary maintenance of traffic plan;
- Restoration plan and cost of restoration of the ROW;
- Timetable for construction or installation;
- Indemnification;
- For new utility poles intended to support the collocation of small wireless facilities, an attestation that a wireless facility will be collocated on the proposed utility pole within nine months after the application is approved; and
- For new utility poles intended to support the collocation of small wireless facilities, information regarding the height of other utility poles located within 500 feet of the proposed location in the ROW; and
- Additional information as reasonably required to demonstrate compliance with law.

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Within sixty days after the date of filing, the County Engineer must approve or deny the application. Upon receiving permit applications for at-grade, below-grade, and wireline facilities and utility poles, the County Engineer will have 30 days to provide the applicant a notice of deficiency by electronic mail and identify the missing information.

If an application is denied, the County Engineer must notify the applicant by electronic mail identifying the basis for denial. Upon receiving the notice of denial, the applicant will have 30 days to resubmit a revised application and the County Engineer will have 30 days within filing to approve or deny the revised submission.

The AWIDA requires new utility poles intended to support the collocation of small wireless facilities to follow the same timeframe as mandated for the review of small wireless facilities, which is a stricter application review timeframe.

Design/Height

As prescribed by the AWIDA and provided for in the proposed Ordinance, the height of utility poles intended to support the collocation of small wireless facilities are restricted to the tallest existing utility pole as of July 1, 2017, located in the ROW within 500 feet of the proposed deployment. If no utility pole exists within that scope, the structure shall not be higher than 50 feet. Additionally, the County may not create a minimum distance requirement between poles supporting small wireless facilities.

The proposed Ordinance also requires utility poles deployed in the ROW to be made of substantially the same material, color, and design of existing poles to maintain the design standard. Applicants may apply for a waiver to this requirement; however, utility poles made of steel, concrete, or fiberglass and black or gray in color will not require a waiver.

Concealment

The proposed Ordinance prohibits signage and lighting on communications facilities, unless otherwise permitted by the County. Further, at-grade facilities must be located in an area with existing foliage or must be designed to appear similar to other at-grade facilities within the same ROW or utilize a wrap. In some cases, the installation of new poles may provide an opportunity for the County to install street lighting with the consent of the applicant.

Location Context

The proposed Ordinance requires at-grade, below-grade, and wireline facilities and utility poles to be placed in safe locations that do not interfere with traveling public while imposing objective design standards with an intent of maximizing aesthetic compatibility with surrounding neighborhoods. The proposed Ordinance requires these facilities to be placed at the farthest distance practicable from the edge of pavement unless there is a designated corridor within the ROW to permit the facility. Utility Poles may not be placed in areas that will significantly impair views from principal structures. Utility poles are strongly encouraged to be placed equidistant between existing utility poles and at the common property line on residential blocks.

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If the placement of a facility or utility pole results in tree removal, as defined by the Environmental Management Act ("EMA"), then the applicant must submit additional information with the permit application so the County Engineer or Development Review Committee ("DRC") may consider whether the tree may be removed. Specifically, the applicant must provide additional information and documentation in accordance with Sections 10-4.206(b)(2) and 10-4.206(c)(1) if the tree removal is within a Canopy Roads Protection Zone ("CRPZ") or Section 10-4.206(c)(1) if the tree removal is not within a CRPZ.

The tree removal will be reviewed when a ROW permit is submitted to Leon County Public Works. A separate Environmental Management Permit is not required. All tree removals within the CRPZ are required to comply with the conditions outlined in Section 10-4.206(b)(5) and to create a mitigation plan in accordance with Section 10-4.364. Pursuant to the EMA, the DRC shall review the tree removal and mitigation plan for tree removals within the CRPZ. Although the Canopy Roads Citizens Committee is not involved in the review of applications for permits related to infrastructure and utility projects, staff intends to keep the Committee apprised of the activities occurring within the CRPZ.

Similarly, an applicant must comply with Section 10-4.364 for any tree removals outside of a CRPZ. Section 10-4.364 requires applicants to meet certain conditions for the removal of protected trees. Additionally, the applicant must develop a mitigation plan. The proposed Ordinance provides the County Engineer with the ability to review, approve, or deny the proposed tree removal through the issuance of the ROW permit.

Overall, the proposed Ordinance connects tree removals within the ROW with the EMA requirements for tree removals.

Permit Conditions

Proposed at-grade, below-grade, wireline and utility pole placement will be reviewed by the County Engineer in consideration of the following standards and minimum requirements:

- Sufficiency of space to accommodate present and pending application for use of the ROW;
- Sufficiency of space to accommodate the need for projected public improvements;
- Impact on traffic and pedestrian safety; and
- Compliance with applicable laws, including the EMA and the design/height, concealment, and location context requirements.

Division 3: Wireless Facilities Standards

Permit Application Requirements and Review

Division 3 of the proposed Ordinance applies to wireless facilities proposed to be located within the County's ROW. Only small wireless facilities and micro wireless facilities may be placed within the ROW. Towers, as opposed to utility poles, are not permitted within the ROW.

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Prior to deploying a wireless facility in the ROW, an applicant must submit a permit application unless an exemption applies. Staff anticipates a high level of permit applications immediately following the adoption of an ordinance.

All permit applications must include the following (if applicable):

- Engineering plan that is signed and sealed by a Florida licensed professional engineer, including:
 - The type, dimensions, volume, height, footprint, stealth design and concealment features and location of the proposed wireless facility;
 - The type of existing structure, repurposed structure or utility pole intended to support the collocation of a small wireless facility and documentation showing the structure can support the additional load;
 - The distance of the proposed Small Wireless Facility, including ground-mounted equipment, and nearby pavement, sidewalks, driveways, ramps, trees, underground utilities and other above-grade and below-grade structures and utilities;
 - The GPS coordinates of the proposed small wireless facility;
 - Sufficient specificity demonstrating compliance with the Florida Building Code and other applicable codes, including but not limited to the National Electric Safety Code;
 - A sketch of all aboveground and below ground facilities, structures, and utilities located within the County's ROW within a 50 foot radius of the proposed small wireless facility;
 - Trees and landscaping proposed to be removed or impacted by the placement of the small wireless facility.
- Description of installation or construction;
- Pole Attachment Agreement (for collocation on private utility poles);
- Description of stealth design;
- Temporary sidewalk closure plan;
- Maintenance of traffic plan;
- Restoration plan and cost of restoration of the public ROW;
- Timetable for construction or installation;
- Indemnification; and
- Compliance with airport airspace protections.

As provided by the AWIDA, the County Engineer will be subject to strict application review timeframes. Applicants will also be able to submit a consolidated permit application to receive a single permit for the collocation of up to 30 wireless facilities at one time and under the same strict application review timeframes. The anticipated volume of applications will require significant staff time to review permits, conduct site visits, and input data for the tracking of these facilities all within the State-mandated truncated timeframe.

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Specifically, the County Engineer must provide a notice of application deficiency within 14 days of the application date or the application will be deemed complete. Similarly, the County has 14 days to propose an alternative location for the proposed wireless facility. Should the County proposed an alternate location, the AWIDA provides that the County and provider may negotiate for no more than 30 days on the location and other standards. If the proposed alternate location is rejected by the applicant, the County has 90 days from the date of the application to grant or deny the permit. If the proposed alternate location is accepted by the applicant or if the negotiation period is not utilized by the County, the County Engineer has 60 days to approve or deny an application or the application will be deemed approved. If the negotiation period is not utilized, this 60 day window may be mutually extended. Should the County Engineer deny a permit, the applicant has 30 days to resubmit a revised permit application. The County Engineer then has 30 days to review the revised application but is limited in scope of review to only those reasons for which the denial is based.

When reviewing consolidated applications, the County may separately deny or identify missing information for each individual collocation included in the application.

Design

The proposed ordinance provides three options of stealth design, by order of preference. If an applicant is not able to utilize any of the proposed stealth design options, the applicant must obtain a waiver. Preferred stealth design option 1 requires no exposed wires or cables; the use of shrouds; and the use of a slim design limiting the exterior dimensions for small wireless facilities. Preferred stealth design option 2 requires no exposed wires or cables; the use of shrouds; and the use of a street light fixture to camouflage the small wireless facility. Preferred stealth design option 3 requires no exposed wires or cables; the use of shrouds; and the use of a decorative wrap pre-approved by the County.

Concealment

The proposed ordinance prohibits signage and lighting on communications facilities, unless otherwise permitted by the County. Further, ground-mounted equipment associated with a small wireless facility must be located in an area with existing foliage or must be designed to appear similar to other at-grade facilities within the same County ROW or may use a wrap. Further, all ground-mounted equipment must be located within a 10 foot radius of the supporting structure for the small wireless facility.

Height

A small wireless facility, including any attached antennas, may not exceed 10 feet above the supporting structure upon which the Small Wireless Facility is collocated.

Location Context

A small wireless facility is prohibited to be placed in a location subject to homeowners' association restrictions unless said restrictions permit the facility. Further, small wireless facilities must comply with nondiscriminatory undergrounding requirements that prohibit

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aboveground structures within the ROW. In accordance with AWIDA, small wireless facilities must be allowed to collocate on poles located on canopy roads since regulations relating to communication service providers must be generally nondiscriminatory and competitively neutral. Additionally, local regulations may not prohibit or have the effect of prohibiting communications service. As a result of these restrictions on what and how a local government may regulate, the County cannot enact a blanket prohibition on communications facilities, specifically small wireless facilities, from the CRPZ. Any attempted blanket prohibition of communications facilities on canopy roads would likely lead to litigation with the industry.

If the placement of a facility or utility pole results in tree removal, as defined by the Environmental Management Act ("EMA"), then the applicant must submit additional information with the permit application so the County Engineer or Development Review Committee ("DRC") may consider whether the tree may be removed. Specifically, the applicant must provide additional information and documentation in accordance with Sections 10-4.206(b)(2) and 10-4.206(c)(1) if the tree removal is within a CRPZ or Section 10-4.206(c)(1) if the tree removal is not within a CRPZ.

The tree removal will be reviewed when a ROW permit is submitted to Leon County Public Works. A separate Environmental Management Permit is not required. All tree removals within the CRPZ are required to comply with the conditions outlined in Section 10-4.206(b)(5) and to create a mitigation plan in accordance with Section 10-4.364. Pursuant to the EMA, the DRC shall review the tree removal and mitigation plan for tree removals within the CRPZ. Although the Canopy Roads Citizens Committee is not required to review applications for permits related to infrastructure and utility projects, staff intends to keep the Committee apprised of the activities occurring within the CRPZ.

Similarly, an applicant must comply with Section 10-4.364 for any tree removals outside of a CRPZ. Section 10-4.364 requires applicants to meet certain conditions for the removal of protected trees. Additionally, the applicant must develop a mitigation plan. The proposed Ordinance provides the County Engineer with the ability to review, approve, or deny the proposed tree removal through the issuance of the ROW permit.

Overall, the proposed Ordinance connects tree removals within the ROW with the EMA requirements for tree removals.

Collocation

Applicants may request to collocate wireless facility equipment on a County owned pole in the ROW. Upon permit approval, applicants will be charged \$150 per pole annually which will be due and payable on April 1 each year.

Permit Conditions

Pursuant to the AWIDA, the County Engineer may only deny a proposed collocation of a small wireless facility in the ROW if the proposed Collocation:

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- Materially interferes with the safe operation of traffic control equipment;
- Materially interferes with sight lines or clear zone standards and specifications for transportation, pedestrians, or public safety purposes;
- Materially interferes with compliance with the Americans with Disabilities Act;
- Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual; or
- Fails to comply with the Code.

Conclusion

The proposed Ordinance is the result of the cooperation of County and City staff and members of the industry. The proposed Ordinance balances the needs of the industry with the needs of the community, to the extent permitted by law. If the Board votes to not adopt the Ordinance, staff recommends adopting a Resolution to further extend the moratorium so that staff may have additional time to revise the Ordinance in accordance with the Board's direction (Attachment # 2).

The Notice of Public Hearing was timely published in accordance with Sections 125.66 and 337.401, Florida Statutes (Attachment #6).

Options:

1. Conduct the first and only Public Hearing and adopt the proposed Ordinance Amending Chapter 16 of the Code of Laws of Leon County, to implement a regulatory framework for communications Facilities, including wireless facilities, and Utility Poles, in the County's rights-of-way (Attachment #1).
2. Conduct the first and only Public Hearing and do not adopt the proposed Ordinance Amending Chapter 16 of the Code of Laws of Leon County, to implement a regulatory framework for communications Facilities, including wireless facilities, and Utility Poles, in the County's rights-of-way, and adopt the Resolution extending the Moratorium presently in effect by an additional 120 days to review Communication Antenna Support Structures Deployment in the County's right-of-ways (Attachment #2).
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Ordinance
2. Proposed Moratorium Resolution
3. Resolution 16-41
4. Resolution 17-08
5. Advanced Wireless Infrastructure Deployment Act, Chapter No. 2017-136
6. Legal advertisements

ORDINANCE NO. 2017- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 16, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "STREETS, ROADS AND PUBLIC WAYS"; RENAMING ARTICLE IV OF CHAPTER 16 AS "UTILITY PLACEMENT WITHIN THE PUBLIC RIGHTS-OF-WAY," AND AMENDING PROVISIONS THEREIN; ADDING A NEW ARTICLE V TO CHAPTER 16 TO BE ENTITLED "COMMUNICATIONS FACILITIES AND UTILITY POLES WITHIN THE PUBLIC RIGHTS-OF-WAY," TO INCLUDE DIVISION 1 "IN GENERAL," DIVISION 2 "AT-GRADE FACILITY, BELOW-GRADE FACILITY, WIRELINE FACILITY, AND UTILITY POLE STANDARDS," AND DIVISION 3 "WIRELESS FACILITY STANDARDS"; AMENDING SECTION 10-6.812, ENTITLED "COMMUNICATION ANTENNAS AND COMMUNICATION ANTENNA SUPPORT STRUCTURES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this Ordinance promotes the public health, safety and general welfare by regulating the siting of communications facilities and utility poles within the public rights-of-way; and

WHEREAS, this Ordinance accommodates the growing needs and demand for communications services; and

WHEREAS, this Ordinance seeks to expressly address new communications facilities technologies, while also protecting, preserving, and maintaining the aesthetic character of areas where such rights-of-way exist; and

WHEREAS, Section 337.401, *Florida Statutes*, addresses *inter alia*, the authority of local governments to regulate the placement and maintenance of communications facilities in the public rights-of-way; and

WHEREAS, rules and regulations imposed by a local government relating to communications service providers that desire to place or maintain communications facilities in its rights-of-way must be generally nondiscriminatory and competitively neutral; and

WHEREAS, Section 337.401(3)(g), *Florida Statutes*, provides that a local government may not use its authority over the placement of facilities in its rights-of-way as a basis for asserting or exercising regulatory control over a provider of communications services regarding matters within the exclusive jurisdiction of the Florida Public Service Commission or Federal Communications Commission, including, but not limited to, the operations, systems, qualifications, services, service quality, service territory, and prices of a provider of communications services; and

1 WHEREAS, Section 337.401(7), *Florida Statutes*, addresses *inter alia*, the authority of local
2 governments to adopt by ordinance objective design standards requiring a small wireless facility to
3 meet reasonable location context, color, stealth, and concealment requirements, objective design
4 standards requiring a new utility pole intended to support the collocation of small wireless facilities
5 that replaces an existing facility to be of substantially similar design, material, and color, and
6 reasonable spacing requirements concerning the location of ground-mounted equipment; and
7

8 WHEREAS, Section 337.401(7)(d)(12), *Florida Statutes*, provides that a local government
9 may adopt by ordinance provisions for insurance coverage, indemnification, performance bonds,
10 security funds, force majeure, abandonment, county liability, and county warranties provided such
11 provisions are reasonable and nondiscriminatory; and
12

13 WHEREAS, it is the County's intent to exercise its authority over communications services
14 providers, wireless infrastructure providers and pass-through providers' placement and maintenance
15 of communications facilities in its rights-of-way; and
16

17 WHEREAS, it is the County's further intent to treat each such communications services
18 provider in a reasonable, nondiscriminatory and competitively neutral manner in exercising such
19 authority; and
20

21 WHEREAS, the County's rights-of-way are essential for the travel of persons and the
22 transport of goods throughout the County and are a unique and physically limited resource requiring
23 proper management by the County in order to ensure public safety, maximize efficiency, minimize
24 costs to County taxpayers for the foregoing uses, reasonably balance the potential inconvenience to
25 and negative effects upon the public from the placement and maintenance of communications
26 facilities in the rights-of-way against the substantial benefits that accrue from such placement and
27 maintenance, and promote the public health, safety and general welfare; and
28

29 WHEREAS, it is the County's intent to implement the Advanced Wireless Infrastructure
30 Deployment Act as provided in Section 337.401(7), *Florida Statutes*; and
31

32 WHEREAS, it is the further intent of the County to exercise its authority to adopt reasonable
33 and nondiscriminatory rules and regulations to the fullest extent allowed by Federal and State law;
34 and
35

36 WHEREAS, the County adopted Resolution 01-14 thereby electing to increase the
37 Communications Services Simplified Tax rate in lieu of collecting permit fees from providers of
38 communications services; and
39

40 WHEREAS, the County has reviewed its Ordinances, and has received input from
41 representatives of the communications service industry and other interested stakeholders, and as a
42 result of the foregoing has concluded that the County Code must be updated, in conformance with
43 Federal and State laws and rules, in order to adequately regulate the placement and maintenance of
44 existing, new and expanded communications facilities in the County's rights-of-way; and
45

46 WHEREAS, adoption of the following Ordinance is necessary to satisfy the above objectives.

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

SECTION 1. Chapter 16, Article IV of the Code of Laws of Leon County, Florida, is hereby renamed "Utility Placement Within the Public Rights-of-Way" and amended to read as follows:

ARTICLE IV. UTILITY PLACEMENT WITHIN THE PUBLIC RIGHTS-OF-WAY

Sec. 16-80. Applicability.

This Article shall apply to any public or private entity who seeks to construct, maintain, repair, operate, and/or remove lines for the transmission of public utilities that are not providing communications services as defined in Section 202.11(1), F.S., under, on, over, across, or within the public rights-of-way, including but not limited to water, sewage, gas, power, and television, or as regulated by a franchise, as applicable. The transmission of communications services as defined in Section 202.11(1), F.S., shall be governed by the provisions of Chapter 16, Article V.

Sec. 16-81. Required.

In accordance with Section F.S. §-125.42, F.S., any person who desires to construct, maintain, repair, operate, or remove lines for the transmission of water, sewage, gas, power, ~~telephone~~, other public utilities, and television under, on, over, across, or within the right-of-way limits of and along any ~~e~~County highway or any public road or highway acquired by the ~~e~~County or public by purchase, gift, devise, dedication, or prescription shall be required to obtain a license from the ~~e~~County, ~~or if providing communications services to register with the county in accordance with the provisions of this article.~~

Sec. 16-82. Provisions of License.

Any such license granted by the ~~e~~County ~~or registration filed with the county~~ shall contain adequate provisions:

- (1) To prevent the creation of any obstructions or conditions which are or may become dangerous to the traveling public;
- (2) To require the licensee ~~and/or registrant~~ to repair any damage or injury to the road or highway created during the installation of a utility facility and to repair said road or highway promptly, restoring ~~the same~~ it to a condition at least equal to that immediately prior to the infliction of such damage or injury;
- (3) Whereby the licensee ~~and/or registrant~~ shall hold the Board of County Commissioners of Leon County, Florida, members and officers, agents, and employees thereof harmless from the payment of any compensation or damages resulting from the exercise of the privileges

1 granted in any instrument creating such license ~~and/or by being required to register with the~~
2 ~~county;~~ and
3

4 (4) As may be reasonably necessary for the protection of the eCounty and the public.
5

6 **Sec. 16-83. When bond may be required.**
7

8 The ~~Board of County Commissioners~~ County Administrator or designee may require the licensee
9 and/or ~~registrant~~ permittee to furnish performance bonds, maintenance bonds, and/or a security fund
10 ~~cash bonds~~ to ensure compliance with the provisions of this aArticle.
11

12 **Sec. 16-84. Fees authorized.**
13

14 The Board of County Commissioners may adopt by resolution a fee schedule relating to is
15 ~~hereby authorized to charge reasonable fees for the issuance of licenses hereunder and utility~~
16 ~~placement permits, such fees to be established in accordance with section 16-87.~~
17

18 **Sec. 16-85. Term of license.**
19

20 A license under this aArticle may be granted in perpetuity or for a term of years, subject,
21 however, to termination by the eCounty. The renewal of any license granted hereunder may be by
22 authorized by the eCounty aAdministrator, or his or her designee. ~~A utility required to file a~~
23 ~~registration hereunder, shall be required to update said registration annually.~~
24

25 **Sec. 16-86. Moving or removal of utility lines.**
26

27 In the event of widening, ~~or~~ repair, or reconstruction of any road, the licensee ~~or registrant~~ shall
28 move or remove any water, gas, sewage, power, telephone, and other utility lines and television lines,
29 ~~communications services, and television facilities~~ at no cost to the eCounty should they be found by
30 the County to be interfering, except as provided in Section 337.403, F.S., as amended.
31

32 **Sec. 16-87. Authority to implement article.**
33

34 The ~~Board of County Commissioners~~ County Administrator or designee is authorized to
35 adopt, modify, and repeal rules and regulations to carry out the intent and purposes of this aArticle to
36 the extent allowed by law. A Rights-of-way Manual shall be developed by the County to outline
37 engineering requirements and procedures for the placement and maintenance of utilities within the
38 Leon County rights-of-way. This Rights-of-way Manual shall be separately approved and adopted by
39 resolution of the Board of County Commissioners.
40

41 **Sec. 16-88. Noncompliance unlawful.**
42

43 It shall be unlawful for any person to construct, maintain, repair, operate, or remove lines for the
44 transmission of water, sewage, gas, power, ~~telephone,~~ other public utilities, communications services,
45 and television under, on, over, across, or within the right-of-way limits of ~~and along~~ any road

described in Section 16-81 above without fully complying with this ~~a~~Article or the rules and regulations promulgated hereunder.

Sec. 16-89. Penalty.

Any person violating this ~~a~~Article or the rules and regulations promulgated hereunder shall be punished as provided in Section 1-9.

SECTION 2. Chapter 16 of the Code of Laws of Leon County, Florida, is hereby amended to create a new article to be numbered Article V and entitled “Communications Facilities and Utility Poles Within the Public Rights-of-Way,” which shall hereafter read as follows:

**ARTICLE V. COMMUNICATIONS FACILITIES AND UTILITY POLES WITHIN THE
PUBLIC RIGHTS-OF-WAY**

Division 1. In General.

Sec. 16-100. Intent and purpose.

The County hereby declares as a legislative finding that the Public Rights-of-way within the County are a unique and physically limited resource that are critical to the travel and transport of persons and property within the County; that the Public Rights-of-way must be managed and controlled in a manner that enhances the health, safety and general welfare of the County and its citizens; and that the use and occupancy of the Public Rights-of-way by Communications Services Providers, Wireless Infrastructure Providers, and Pass-through Providers must be subject to regulation to ensure public safety, minimal inconvenience to the public, coordination of uses, maximization of available space, reduction of maintenance and costs to the public, and to facilitate entry of an optimal number of providers of cable, Communications Services, and other services in the public interest.

It is the intent of the County to promote the public health, safety and general welfare by: providing for the Placement or Maintenance of Communications Facilities in the Public Rights-of-way; adopting and administering reasonable rules, regulations and general conditions not inconsistent with State and federal law, including Section 337.401, Florida Statutes, as amended, and in accordance with the provisions of the Federal Telecommunications Act of 1996, as applicable, and other federal and State law; establishing reasonable rules, regulations and general conditions necessary to manage the Placement and Maintenance of Communications Facilities in the Public Rights-of-way by all Communications Services Providers, Wireless Infrastructure Providers, and Pass-through Providers; minimizing disruption to the Public Rights-of-way; and requiring the restoration of the Public Rights-of-way to the original condition.

Persons seeking to Place or Maintain Communications Facilities on private property or other property to which the City, County, State, or Federal Government has a fee simple or leasehold interest in real property, outside of and exclusive of the Public Rights-of-way, located within the

jurisdictional boundaries of the County, shall comply with the provisions of Section 10-6.812 to the extent it applies.

Sec. 16-101. Authority to implement Article.

The County Administrator is authorized to adopt, modify, and repeal rules and regulations to carry out the intent and purposes of this Article. A Rights-of-way Manual shall be developed by the County to outline engineering requirements and procedures for the Placement and Maintenance of Communications Facilities and Utility Poles within the Public Rights-of-way. This Rights-of-way Manual shall be separately approved and adopted by resolution of the Board of County Commissioners.

Sec. 16-102. Definitions.

For purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings given. Where not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. Words not otherwise defined shall be construed to have their common and ordinary meaning.

Abandonment or Abandoned means the cessation of all uses of a Communications Facility or Utility Pole for a period of one hundred eighty (180) or more consecutive days provided this term shall not include the cessation of all use of a Communications Facility within a physical structure where the physical structure continues to be used for some purpose or use accessory to the Communications Facility. By way of example, cessation of all use of a cable within a conduit, where the conduit continues to be used for some purpose or use accessory to the Communications Facility, shall not be *Abandonment* of a Communications Facility. A Wireless Infrastructure Provider's failure to have a Wireless Service Provider provide service through a Small Wireless Facility collocated on a Utility Pole within nine (9) months after the application is approved in accordance with Section 337.401(7)(j), F.S., shall constitute Abandonment. The terms *Abandonment* or *Abandoned* are not intended to include a Service Drop from a potential or existing customer in the event the Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider reasonably anticipates future use of the Service Drop.

Abut, when used in conjunction with a Lot, Parcel or Public Rights-of-way, means a Lot, Parcel or Public Rights-of-way that shares all or a part of a common lot line or boundary line with another Lot, Parcel or Public Rights-of-way.

Adjacent Properties or Properties Adjacent means (i) those Lots or Parcels that Abut another Lot, Parcel or Public Rights-of-way that is contiguous to a Communications Facility site or proposed site and (ii) the Lots, Parcels or Public Rights-of-way that would be contiguous to Lots, Parcels or Public Rights-of-way but for an intervening local or collector roadway.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing Wireless Services.

1
2 *Applicable Codes* means uniform building, fire, electrical, plumbing, or mechanical codes
3 adopted by a recognized national code organization or local amendments to those codes enacted
4 solely to address threats of destruction of property or injury to persons, or local codes or ordinances
5 adopted to implement Section 337.401(7), F.S. The term includes objective design standards adopted
6 by ordinance that may require a new Utility Pole intended to support the Collocation of a Small
7 Wireless Facility that replaces an existing pole to be of substantially similar design, material and
8 color or that may require reasonable spacing requirements concerning the location of ground-
9 mounted equipment. The term includes objective design standards adopted by ordinance that may
10 require a small wireless facility to meet reasonable location context, color, stealth, and concealment
11 requirements.

12
13 *Applicant* means any Person who submits an application to the County for an effective
14 Registration or a Permit to Place or Maintain a Communications Facility or Utility Pole within the
15 Public Rights-of-way.

16
17 *As-built Plans* means a set of drawings in a format as specified by the County Engineer
18 submitted upon completion of a project and such drawings reflect all changes made during the
19 construction process, and show the exact dimensions, geometry and location of all elements of the
20 work completed under the Permit.

21
22 *At-grade Facility* means a Communications Facility, the structure of which is affixed to the
23 ground at-grade with a portion of the structure extending vertically above grade. At-grade Facilities
24 may also, but not necessarily, extend vertically below grade. Utility Poles and ground-mounted
25 equipment installed as part of a Small Wireless Facility shall not be considered At-grade Facilities.

26
27 *Authority Utility Pole* means a Utility Pole owned by the County and is located within the
28 Public Rights-of-way. This term does not include a Private Utility Pole.

29
30 *Below-grade Facility* means a Communications Facility, including manholes or access points,
31 that are entirely contained below-grade within the Public Rights-of-way. A Below-grade Facility is a
32 type of Wireline Facility.

33
34 *Board or Board of County Commissioners* means the Board of County Commissioners of
35 Leon County, Florida.

36
37 *Canopy Road Tree Protection Zones* shall have the meaning ascribed to it in Section 10-
38 1.101.

39
40 *City* means, as indicated by the context used, either Tallahassee, Florida, as a geographic
41 location, or Tallahassee, Florida, a Florida municipal corporation, as a legal entity.

42
43 *Code* means the Code of Laws of Leon County, Florida.

44
45 *Collocation* or *Collocate* means to install, mount, maintain, modify, operate, or replace one or
46 more Wireless Facilities on, under, within, or adjacent to a Utility Pole. The term does not include the
47 installation of a new Utility Pole in the Public Rights-of-way.

1
2 *Communications Facility* means any tangible thing located in a Public Rights-of-way that may
3 be used to deliver, route, receive, transmit, amplify or distribute Communications Services. Multiple
4 cables, conduits, strands, or fibers located within same conduit shall be considered one
5 Communications Facility.
6

7 *Communications Services* means the transmission, conveyance, or routing of voice, data,
8 audio, video, or any other information or signals, including video services, to a point, or between or
9 among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other
10 medium or method now in existence or hereafter devised, regardless of the protocol used for such
11 transmission or conveyances. The term includes such transmission, conveyance, or routing in which
12 computer processing applications are used to act on the form, code, or protocol of the content for
13 purposes of transmission, conveyance, or routing without regard to whether such service is referred
14 to a voice-over-internet-protocol services or is classified by the Federal Communications
15 Commission as enhanced or value-added. Notwithstanding the foregoing, the term does not include:
16

- 17 (a) Information services;
- 18 (b) Installation or maintenance of wiring or equipment on a customer's premises;
- 19 (c) The sale or rental of tangible personal property;
- 20 (d) The sale of advertising, including, but not limited to, directory advertising;
- 21 (e) Bad check charges;
- 22 (f) Late payment charges;
- 23 (g) Billing and collection services; or
- 24 (h) Internet access service, electronic mail service, electronic bulletin board service, or
25 similar online computer services.
26

27 *Communications Services Provider* means any Person providing Communications Services
28 through the Placement or Maintenance of a Communications Facility in the Public Rights-of-way,
29 including without limitation, wireline telecommunication providers and Wireless Service Providers.
30

31 *Communications Services Tax* means the local communications services tax authorized to be
32 levied and collected by counties and municipalities upon Communications Services Providers for
33 Communications Services, pursuant to Section 202.19, F.S., as amended.
34

35 *Consolidated Permit Application* means a single Permit application that would otherwise
36 require individual Permit applications for the Collocation of between two (2) and thirty (30) Small
37 Wireless Facilities to Existing Structures within the Public Rights-of-Way.
38

39 *Construct* or *Construction* means to construct, install, Place, or excavate Utility Poles,
40 Communications Facilities, Utilities, facilities, or other physical structures on, above, within or under
41 any part of the Public Rights-of-way.
42

43 *County* means, as indicated by the context used, either Leon County, Florida, as a geographic
44 location, or Leon County, Florida, a charter county and political subdivision of the State of Florida, as
45 a legal entity.
46

1 *County Administrator* means the chief administrative officer of the County. The term *County*
2 *Administrator* also includes his or her designee.

3
4 *County Engineer* means the licensed engineer designated by the Board of County
5 Commissioners to furnish engineering assistance for the administration of these regulations. For the
6 purposes of this Article, the term County Engineer shall also include his or her designee.

7
8 *Day(s)* means, for purposes of computing any period of time expressed in day(s) in this
9 Article, the day of the act, event or default from which the designated period of time begins to run
10 shall not be included and the last day of the period so computed shall be included unless it is a
11 Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day
12 which is neither a Saturday, Sunday, or legal holiday.

13
14 *Development Review Committee* means the committee established in Section 10-2.301.

15
16 *Existing Structure* means a Utility Pole within the Public Rights-of-way that exists at the time
17 an application to Place a Communications Facility on the preexisting Utility Pole is filed with the
18 County. The term includes Repurposed Structures. The term does not include At-grade Facilities,
19 Below-grade Facilities, or Wireline Facilities. An Existing Structure is not transformed into a
20 Communications Facility by the Collocation of a Wireless Facility.

21
22 *Florida Building Code* means the Florida Building Code promulgated under Chapter 553,
23 F.S., and includes the Leon County amendments thereto as both may be amended.

24
25 *Graffiti* means any inscriptions, word, figure, painting or other defacement that is written,
26 marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any
27 Communications Facility whether or not authorized by the Registrant of the Communications
28 Facility. A Wrap shall not be considered Graffiti.

29
30 *Homeowners' Association (HOA)* means an incorporated entity in a subdivision, planned
31 community or condominium that makes rules for the properties within its jurisdiction and usually
32 maintains and operates property owned by the HOA.

33
34 *In the Public Rights-of-way* means across, above, within, on or under the Public Rights-of-
35 way.

36
37 *Lot* means a designated Parcel of land established by plat, subdivision, or as otherwise
38 permitted by law, to be used, developed, or built upon as a unit.

39
40 *Micro Wireless Facility* means a Small Wireless Facility having dimensions no larger than
41 twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and
42 an exterior Antenna, if any, no longer than eleven (11) inches.

43
44 *Parcel* means any piece of real property that has a single parcel identification number
45 assigned to it by the Leon County Property Appraiser.

1 *Pass-through Provider* means any Person who Places or Maintains a Communications
2 Facility in the Public Rights-of-way and who does not remit Communications Services Tax. A *Pass-*
3 *through Provider* may also be a Wireless Infrastructure Provider.
4

5 *Permit* means the Public Rights-of-way permit that must be obtained before a Person may
6 Construct, Place, install, or Maintain Communications Facilities or Utility Poles in the Public Rights-
7 of-way and shall include, but not be limited to, Rights-of-way engineering and construction permits
8 issued by the County Engineer.
9

10 *Person* means any natural person or corporation, business association or other business entity,
11 including, but not limited to a partnership, a sole proprietorship, a political subdivision, a public or
12 private agency of any kind, a utility, a successor or assign of any of the foregoing or any other legal
13 entity and shall include the County to the extent the County acts as a Communications Services
14 Provider.
15

16 *Place or Maintain or Placement or Maintenance or Placing or Maintaining* means to erect,
17 Construct, install, extend, expand, remove, occupy, locate, relocate, or significantly alter the
18 configuration of a Communications Facility or Utility Pole. A Person who owns or exercises physical
19 control to maintain and repair is *Placing or Maintaining* the Communications Facility or Utility Pole.
20 A Person providing service only through resale or only through use of a third Person's
21 Communications Facility is not *Placing or Maintaining* the Communications Facility through which
22 such service is provided. The transmission and receipt of radio frequency signals through the airspace
23 of the Public Rights-of-way does not constitute *Placing or Maintaining* a Communications Facility in
24 the Public Rights-of-way.
25

26 *Pole Attachment* means any attachment of a Communications Facility by a Communications
27 Services Provider, Wireless Infrastructure Provider or a Pass-through Provider to an Existing
28 Structure within a Public Rights-of-way. This term includes aerial wireline attachments that serve as
29 Wireline Facilities.
30

31 *Private Utility Pole* means a Utility Pole owned by an electric cooperative or a municipal
32 electric utility or a by a Person other than the County within the Public Rights-of-way.
33

34 *Public Rights-of-way or Rights-of-way* means land in which the County owns the fee or has an
35 easement devoted to or required for use as a Transportation Facility and may lawfully grant access
36 pursuant to applicable law, and includes the surface, the air space over the surface and the area below
37 the surface of such rights-of-way. For the purposes of this definition, *Transportation Facility* means
38 any means for the transportation of people or property from place to place which is constructed,
39 operated, or maintained in whole or in part from public funds. The terms *Public Rights-of-way* or
40 *Rights-of-way* shall not include: (1) City, State, or federal rights-of-way unless the County has been
41 properly delegated authority to issue Permits for structures within those rights-of-way, unless
42 prohibited by State or federal law; (2) platted utility easements that are not part of a dedicated public
43 rights-of-way; (3) property owned by any Person other than the County; (4) service entrances or
44 driveways leading from the road or street onto Adjacent Property; or (5) any real or personal County
45 property except as described above and shall not include County buildings, fixtures, poles, conduits,
46 facilities or other structures or improvements, regardless of whether they are situated in the Public

1 Rights-of-way except as allowed by this Article or applicable State or federal law.

2
3 *Registrant* means any Communications Services Provider, Wireless Infrastructure Provider or
4 a Pass-through Provider who has an effective Registration with the County.

5
6 *Registration* or *Register* means the process described in this Article whereby a
7 Communications Services Provider, Wireless Infrastructure Provider or Pass-through Provider
8 provides certain information to the County by which it is determined whether the Person will be
9 eligible to Place or Maintain Communications Facilities in the Public Rights-of-way and to apply for
10 Permits, as required.

11
12 *Repurposed Structure* means an Existing Structure that has been renovated, reconfigured, or
13 replaced with a similar structure so as to continue serving its primary existing purpose while also
14 supporting the attachment of Communications Facilities that is approximately in the same location as
15 the Existing Structure and in such a manner that does not result in a net increase in the number of
16 Utility Poles located within the Public Rights-of-way and does not interfere with pedestrian or
17 vehicular access, and is compliant with Applicable Codes. The Repurposed Structure remains the
18 property of the owner of the Existing Structure prior to the repurposing, unless ownership otherwise
19 lawfully changes.

20
21 *Residential Block* means a Lot or group of Lots within land zoned R-1, R-2, R-3, R-4, R-5,
22 RA, MR-1, RP or MH, as well as that zoned R, RC, UF, LP, LT, LTUF, OR-1, OR-2, OR-3, or BOR
23 when used only for residential purposes, that Abut or are Adjacent or contiguous to a Public Rights-
24 of-way.

25
26 *Service Drop* means the extension of a Wireline Facility from the Public Rights-of-way to a
27 Lot or Parcel located outside of the Public Rights-of-way.

28
29 *Shroud* means a covering or enclosure of pole-mounted equipment associated with a Small
30 Wireless Facility.

31
32 *Signage* means any display of characters, ornamentation, letters or other display such as, but
33 not limited to, a symbol, logo, picture, or other device used to attract attention, or to identify, or as an
34 advertisement, announcement, or to indicate directions, including the structure or frame used in the
35 display. The term *Signage* shall not include identification of the owner and contact information of
36 the Communications Facility or Utility Pole, or identification of wires, cables, etc. necessary to aid in
37 safety or hazard work or maintenance or repair work of the Communications Facility.

38
39 *Small Wireless Facility* means a Wireless Facility that meets the following qualifications:

- 40
41 (a) Each Antenna associated with the facility is located inside an enclosure of no more
42 than six (6) cubic feet in volume or, in the case of Antennas that have exposed
43 elements, each Antenna and all of its exposed elements could fit within an enclosure
44 of no more than six (6) cubic feet in volume; and
45 (b) All other wireless equipment associated with the facility is cumulatively no more than
46 twenty-eight (28) cubic feet in volume. The following types of associated ancillary

equipment are not included in the calculation of equipment volume: electric meters; concealment elements; telecommunications demarcation boxes; ground-based enclosures; grounding equipment; power transfer switches; cutoff switches; vertical cable runs for the connection of power and other services, and Utility poles or other support structures.

State means, as indicated by the context used, either Florida, as a geographic location, or the State of Florida, as a legal entity.

Surrounding Neighborhood means the area within a five hundred (500) foot radius of a Communications Facility site or proposed Communications Facility site.

Tree shall have the meaning ascribed to it in Section 10-1.101.

Tree Removal shall have the meaning ascribed to it in Section 10-1.101.

Utility means any Person or entity that is a local exchange carrier or an electric, gas, water, steam or other public utility, and who owns or operates appurtenant facilities or equipment that are situated within the Public Rights-of-way for transmission of such Utility's goods, commodities or services.

Utility Pole means a pole or similar structure used in whole or in part to provide Communications Services or electric distribution, lighting, traffic control, Signage, or similar function. This term includes the vertical support structure for traffic lights, but does not include any horizontal structures upon which are attached signal lights or other traffic control devices and does not include any pole or similar structure fifteen (15) feet in height or less unless the County grants a waiver for such pole.

Wireless Facility means Communications Facility at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, Antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup powers supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communication. This term includes Small Wireless Facilities. This term does not include:

- (a) The structure or improvements on, under, within, or adjacent to the structure on which the equipment is Collocated;
- (b) Wireline backhaul facilities; or
- (c) Coaxial or fiber-optic cable that is between wireless structures or Utility Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna.

Wireless Infrastructure Provider means a Person who has been certified to provide Communications Services in the State and who builds or installs wireless communication transmission equipment, Wireless Facilities, or Wireless Support Structures but is not a Wireless Services Provider.

1
2 *Wireless Services* means any services provided using licensed or unlicensed spectrum,
3 whether at a fixed location or mobile, using Wireless Facilities.
4

5 *Wireless Services Provider* means a Person who provides Wireless Services. A Wireless
6 Services Provider is a type of Communications Services Provider.
7

8 *Wireless Support Structure* means a freestanding structure, such as a monopole, a guyed or
9 self-supporting tower, or another existing or proposed structure designed to support or capable of
10 supporting Wireless Facilities. This term does not include a Utility Pole.
11

12 *Wireline Facility* means an aerial facility used to provide Communications Services or a
13 Below-grade Facility. The term includes wireline backhaul facilities associated with a Wireless
14 Facility and coaxial or fiber-optic cable that is between wireless structures or Utility Poles or that is
15 otherwise not immediately adjacent to or directly associated with a particular Antenna of a Wireless
16 Facility.
17

18 *Wrap* means an aesthetic covering approved by the County depicting scenic imagery such as
19 vegetation, which blends with the surrounding area. A Wrap design may also be proposed by the
20 Applicant by requesting a waiver pursuant to Section 16-305. Imagery in a wrap may not contain any
21 Signage.
22

23 **Sec. 16-103. Registration.**

24

25 (a) *Registration.* A Communications Services Provider, Wireless Infrastructure Provider, or Pass-
26 through Provider that desires to Place or Maintain a Communications Facility, conduit, backhaul
27 facility, or Utility Pole intended to support the Collocation of a Small Wireless Facility in the Public
28 Rights-of-way shall register with the County Public Works Department in accordance with this
29 Article.
30

31 (b) *Content of Registration.* Each Applicant shall submit the following information and
32 documentation:
33

- 34 (1) The name of the Applicant under which it will transact business in the County and, if
35 different, in the State;
- 36 (2) The name, address, electronic mail address, and telephone number of the Applicant's
37 primary contact person and the person to contact in case of an emergency;
- 38 (3) The type of Communications Services that the Applicant intends to provide within the
39 County (if more than one, list all that apply), or, if none, state that the Applicant is a
40 Wireless Infrastructure Provider or Pass-through Provider, as the case may be, and
41 whether the Applicant remits Communications Service Tax to Leon County;
- 42 (4) A copy of the Applicant's certificate of authorization, public convenience and
43 necessity, or other similar certification or licenses issued by the Florida Public Service
44 Commission, the Florida Department of State, the Federal Communications
45 Commission, or other federal authority; and

(5) Proof of the Applicant's insurance coverage as required pursuant to Section 16-111.

(c) *County Engineer review and approval.* Within thirty (30) days after receipt of the information submitted by the Applicant, the County Engineer shall determine whether the application for Registration contains all information and documentation required and shall advise the Applicant in writing whether the Registration is effective or if any areas of deficiency need to be addressed. The Applicant shall re-submit any deficient information and documentation within thirty (30) days of the date of the notice of deficiency, otherwise the Registration shall be denied. A notice of deficiency or denial of Registration shall not preclude an Applicant from filing subsequent applications for Registration under the provisions of this Section. A denial of Registration or renewal of Registration may be appealed in accordance with the procedures set forth in Section 16-110.

(d) *No property right arises from Registration.* A Registration shall not convey any title, equitable or legal, to the Registrant in the Public Rights-of-way. Registration under this Article governs only the ability to apply for a Permit, if applicable, and the ability to Construct, Place or Maintain Communications Facilities in the Public Rights-of-Way. Registration does not excuse a Communications Services Provider, Wireless Infrastructure Provider or Pass-through Provider from obtaining necessary access or Pole Attachment agreements before locating its Communications Facilities in the Public Rights-of-way. Registration does not excuse a Communications Services Provider, Wireless Infrastructure Provider or Pass-through Provider from complying with all Applicable Codes, and State and federal laws and regulations.

(e) *Registration is non-exclusive.* Registration does not in and of itself establish a right to Place or Maintain, or establish priority for the Placement or Maintenance of a Communications Facility in the Public Rights-of-way, but shall establish for the Registrant a right to Place or Maintain a Communications Facility in the Public Rights-of-way, if such proposed activity does not require a Permit by the County, or apply for a Permit to Place or Maintain a Communications Facility in the Public Rights-of-way, if such proposed activity requires a Permit by the County. Registrations are expressly subject to any further amendment to or replacement of this Article and further subject to any additional County ordinances or regulations, as well as any State or federal laws that may be enacted.

(f) *Cancellation.* A Registrant may cancel a Registration upon written notice to the County stating that it will no longer Place or Maintain any Communications Facilities in the Public Rights-of-way. A Registrant shall not cancel a Registration if the Registrant continues to Place or Maintain any Communications Facilities in the Public Rights-of-way.

(g) *Registration updates.* Within thirty (30) days of any change in the information required to be submitted pursuant to subsection (b), a Registrant shall provide updated information to the County.

(h) *Registration renewal.* Each Registrant shall renew its Registration by April 1 of years ending in "0" or "5" (such as 2020, 2025, 2030, etc.) in accordance with the registration requirements of this Article, as amended. Failure to renew a Registration may result in the County restricting the issuance of additional Permits until the Communications Services Provider, Wireless Infrastructure Provider or Pass-through Provider has complied with the Registration requirements of this Article.

1 (i) *Registration application fees.* No Registration application fees shall be imposed for
2 Registration or renewal of Registration under this Article.

3
4 (j) *Permits required of Registrants.* In accordance with Applicable Codes, local laws and
5 regulations, and State and federal laws and regulations, a Permit shall be required of a
6 Communications Services Provider, Wireless Infrastructure Provider or a Pass-through Provider that
7 desires to Place or Maintain a Communications Facility in the Public Rights-of-way, unless otherwise
8 specifically exempted under this Article. An effective Registration shall be a condition precedent to
9 or of obtaining a Permit. Notwithstanding an effective Registration, permitting requirements shall
10 also apply. A Permit may be obtained by or on behalf of a Registrant having an effective Registration
11 if all permitting requirements are met. If a Permit is submitted without an effective Registration, the
12 Permit application shall be denied.

13
14 (k) *Compliance required.* A Registrant shall at all times comply with and abide by all Applicable
15 Codes, local laws and regulations, and State and federal laws in Placing or Maintaining a
16 Communications Facility in the Public-Rights-of-way. By submitting a Registration, the Applicant
17 acknowledges that it has reviewed a copy of this Article.

18
19 **Sec. 16-104. Notice of Transfer, Sale or Assignment of Assets in the Public Rights-of-Way.**

20
21 (a) If a Registrant transfers or assigns its Registration incident to a sale or other transfer of the
22 Registrant's assets, the transferee, buyer or assignee shall be obligated to comply with the terms of
23 this Article. Written notice of any transfer, sale or assignment shall be provided to the County within
24 thirty (30) days of the effective date of the transfer, sale or assignment. Further, any such Person to
25 whom such transfer has been made, must register with the County in accordance with this Article and
26 shall provide proof of insurance coverage in accordance with Section 16-111, a Security fund in
27 accordance with Section 16-114, and, if applicable, a performance bond in accordance with Section
28 16-113.

29
30 (b) If Permit applications are pending in the Registrant's name, the transferee, buyer or assignee
31 shall notify the County Engineer that the transferee, buyer or assignee is the new Registrant.

32
33 (c) A violation of the requirements of this Section shall constitute a Code violation and the
34 Registrant who is alleged to have violated any of the provisions of this Section may be subject to the
35 enforcement remedies set forth in Sections 1-9 and 16-108.

36
37 **Sec. 16-105. Involuntary Termination of Registration.**

38
39 (a) *Involuntary termination.* The County Engineer may terminate a Registration if:

- 40
41 (1) A federal or State authority suspends, denies, or revokes a Registrant's certification or
42 license required to provide Communications Services;
43 (2) The Registrant's Placement or Maintenance of a Communications Facility in the
44 Public Rights-of-way presents an extraordinary danger to the general public or other
45 users of the Public Rights-of-way and the Registrant fails to remedy the danger
46 promptly after receipt of written notice; or

(3) The Registrant performs substantive and material repetitive violations of any of the provisions of this Article.

(b) *Notice of intent to terminate.* Prior to termination, the Registrant shall be notified by the County Engineer with a written notice setting forth all matters pertinent to the proposed termination action, including the reason therefore. The Registrant shall have thirty (30) days after receipt of such notice to address or eliminate the reason or to present a plan, satisfactory to the County Engineer, to accomplish the same. If the plan is rejected by the County Engineer, the County Engineer shall provide written notice of such rejection within fifteen (15) days of receipt of the plan to the Registrant and shall make a final determination as to termination of the Registration and the terms and conditions relative thereto. A final determination to terminate a Registration may be appealed in accordance with the procedures set forth in Section 16-110.

(c) *Post termination action.* In the event of termination, following any appeal period, the former Registrant shall: (1) in accordance with the provisions of this Article and as may otherwise be provided under State law, notify the County of the assumption or anticipated assumption by another Registrant of ownership of the Registrant's Communications Facilities in the Public Rights-of-way; or (2) provide the County with an acceptable plan for disposition of its Communications Facilities in the Public Rights-of-way. If a Registrant fails to comply with this subsection, the Communications Facilities are deemed to be Abandoned and the County may exercise any remedies or rights it has at law or in equity. In any event, a terminated Registrant shall take such steps as are necessary to render safe every portion of the Communications Facilities remaining in the Public Rights-of-way. A Registrant that has its Registration terminated by the County under this Section may reapply for Registration one (1) year after the termination date of the prior Registration, unless otherwise permitted to reapply at the sole discretion of the County Engineer.

(d) *When removal not authorized or required.* In the event of the termination of a Registration, this Section does not authorize the County to cause the removal of Communications Facilities used to provide another service for which the Registrant or another Person who owns or exercises physical control over the Communications Facilities holds a valid certification or license with the governing federal or State agency, if required, for the provision of such service, and is registered with the County, if required.

Sec. 16-106. Unregistered Providers.

To the extent that a Person with a Communication Facility in the Public Rights-of-way prior to or on the effective date of this Ordinance, is not registered as required in Section 16-103, said Person shall register with the County pursuant to Section 16-103 within ninety (90) days from the effective date of this Ordinance. After the ninety (90) day registration window, the County may not issue any new Permits to unregistered Persons and such Persons may be subject to the enforcement remedies set forth in Sections 1-9 and 16-108.

Sec. 16-107. General Permit Conditions.

All Communications Services Providers, Wireless Infrastructure Providers, and Pass-through Providers shall comply with the following general permit conditions:

1
2 (a) *Permit does not create a property right; areas where aboveground utilities are being placed*
3 *underground.* A Permit from the County constitutes authorization to undertake only certain activities
4 in the Public Rights-of-way in accordance with this Article, and does not create a property right or
5 grant authority to impinge upon the rights of others who may have an interest in the Public Rights-of-
6 way, nor does it create a property right to Maintain Collocated Wireless Facilities on Utility Poles
7 when such Utility Poles are being removed or relocated underground should the County adopt
8 undergrounding requirements that prohibit above-ground structures in the Public Rights-of-way.

9
10 (b) *Avoidance of physical interference, displacement, damage, destruction or prohibition of*
11 *access to other facilities or Utilities, endangerment of life and property.* A Registrant shall not
12 physically interfere with, displace, damage, destroy or prohibit access to any facilities or Utilities,
13 including but not limited to sewers, gas or water mains, storm drains, storm drainage lines, pipes,
14 cables or conduits of the County or any other Person's facilities or Utilities lawfully occupying the
15 Public Rights-of-way and shall not endanger the life or property of other Persons.

16
17 (c) *Coordination with other work in the Public Rights-of-way.* Upon request of the County, and as
18 notified by the County of other work, Construction, installation or repairs, a Registrant shall
19 coordinate Placement or Maintenance activities under a Permit with any other work, Construction,
20 installation or repairs that may be occurring or is scheduled to occur within a reasonable time in the
21 subject Public Rights-of-way, and the Registrant may be required to reasonably alter its Construction
22 schedule as necessary so as to minimize disruptions and disturbance in the Public Rights-of-way.

23
24 (d) *Restoration of Public Rights-of-way.* After the completion of any Placement or Maintenance
25 work involving a Communications Facility in a Public Rights-of-way or each phase thereof, a
26 Registrant shall, at its own expense, restore the Public Rights-of-way to its existing condition prior to
27 such work. If the Registrant fails to make such restoration within thirty (30) days, or such longer
28 period of time as may be reasonably required under the circumstances, following the completion of
29 such Placement or Maintenance work, the County may perform restoration and charge the costs of the
30 restoration against the Registrant's performance bond, security fund, or in accordance with Section
31 337.402, F.S., as amended. For one (1) year following the original completion of the work, the
32 Registrant shall guarantee its restoration work and shall correct, at their sole expense, any restoration
33 work that does not satisfy the requirements of this Article.

34
35 (e) *Maintenance in accordance with industry standards and Applicable Codes.* A Registrant shall
36 maintain its Communications Facilities in a manner consistent with accepted industry practice and
37 Applicable Codes.

38
39 (f) *Maintenance of facilities.* Each Communications Facility within the Public Rights-of-way,
40 including any appurtenant features incorporated therewith under this Article, shall be maintained in a
41 neat and clean condition at all times. Specifically, but not without limiting the generality of the
42 foregoing, each Communications Facility in the Public Rights-of-way shall be regularly maintained
43 so that it is free of Graffiti and is reasonably free of dirt, grease, rust, corrosion, and chipped, faded,
44 peeling or cracked paint, finishes, or Wraps which is visible from the Public Rights-of-way or
45 Surrounding Neighborhood.

1 (g) *Underground Facility Damage Prevention and Safety Act.* In connection with excavation in
2 the Public Rights-of-way, a Registrant shall, where applicable, comply with the Underground Facility
3 Damage Prevention and Safety Act set forth in Chapter 556, F.S., as amended.

4
5 (h) *Use of due caution.* Registrants shall use and exercise due caution, care and skill in
6 performing work in the Public Rights-of-way and shall take all reasonable steps to safeguard work
7 site areas, including, but not limited to those safeguards set forth in Chapter 33 of the Florida
8 Building Code.

9
10 (i) *No warranties or representations regarding fitness, suitability or availability of Public*
11 *Rights-of-way.* The County makes no warranties or representations regarding the fitness, suitability,
12 or availability of the Public Rights-of-way for the Registrant's Communications Facilities. Any
13 performance of work, costs incurred or services provided by the Registrant shall be at the Registrant's
14 sole risk. Nothing in this Article shall affect the County's authority to add, vacate or abandon its
15 Public Rights-of-way, and the County makes no warranties or representations regarding the
16 availability of any added, vacated or abandoned Public Rights-of-way for Communications Facilities.

17
18 (j) *Right of inspection.* The County shall have the right to make such inspections of
19 Communications Facilities Placed or Maintained in its Public Rights-of-way as it finds necessary.

20
21 (k) *As-built Plans and GPS coordinates.* Upon completion of work authorized by a Permit for a
22 Small Wireless Facility, in the event that field work resulted in changes from the Permit plans, the
23 Applicant shall furnish to the County the exact GPS coordinates of the Small Wireless Facility and
24 one complete set of signed and sealed As-built Plans, at no cost to the County. Upon completion of
25 work authorized by a Permit for a Utility Pole, including a Repurposed Structure, in the event that
26 field work resulted in changes from the Permit plans, the Applicant shall furnish to the County one
27 complete set of As-built Plans at no cost. This requirement shall be in addition to, and not in lieu of,
28 any filings the Registrant is required to make under the Underground Facility Damage Prevention and
29 Safety Act set forth in Chapter 556, F.S., as amended. The fact that such As-built Plans or survey is
30 on file with the County shall in no way abrogate the duty of any Person to comply with the aforesaid
31 Underground Facility Damage Prevention and Safety Act when performing work in the Public
32 Rights-of-way.

33
34 (l) *Americans With Disabilities Act.* The Placement and Maintenance of all Communications
35 Facilities shall comply with the Americans With Disabilities Act, 42 U.S.C. Sec. 12101, et. seq., as
36 amended, and regulations promulgated thereunder.

37
38 (m) *Correction of harmful conditions.* If, at any time, the County reasonably determines that a
39 Communications Facility is, or has caused a condition that is harmful to the health, safety or general
40 welfare of any Person, then the Communications Services Provider, Wireless Infrastructure Provider,
41 or Pass-through Provider shall, at its own expense, correct or eliminate all such conditions after being
42 provided reasonable notice. In an emergency, as determined by the County Engineer, when the
43 Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider is not
44 immediately available or is unable to provide the necessary immediate repairs to any
45 Communications Facility that is a threat to public safety, then the County shall have the right to
46 remove, make repairs to or eliminate same with the total cost being charged to and paid for by the

1 Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider upon
2 demand.

3
4 (n) *Remedy of hazardous conditions.* If, at any time, a condition exists that the County Engineer
5 reasonably determines is an emergency that is potentially hazardous or life threatening to any person
6 or is a threat to the health or safety of the general public, and to remedy such condition the County
7 reasonably determines that a Communications Services Provider, Wireless Infrastructure Provider, or
8 Pass-through Provider must temporarily relocate or temporarily shut off service or transmissions
9 through a specific Communications Facility, then the County, as an appropriate exercise of its police
10 powers, may order the Communications Services Provider, Wireless Infrastructure Provider, or Pass-
11 through Provider to immediately perform such temporary relocation or shut off until the condition has
12 been remedied, and to do so at its own expense and without liability to or recourse against the
13 County. In such an emergency, when the Communications Services Provider, Wireless Infrastructure
14 Provider, or Pass-through Provider is not immediately available or is unable to provide the necessary
15 immediate relocation or shut off of the specific Communications Facility, then the County shall have
16 the right to perform, or cause to be performed, such temporary relocation or shut off until the
17 condition has been remedied with the total cost being charged to and paid for by the Communications
18 Services Provider, Wireless Infrastructure Provider, or Pass-through Provider upon demand.

19
20 (o) *Permit errors.* The issuance of a Permit shall not prevent the County Engineer from thereafter
21 requiring the correction of errors when in violation of this Article.

22
23 (p) *Public records.* Any proprietary confidential business information obtained from a Registrant
24 in connection with a Permit application shall be held confidential by the County to the extent required
25 by Section 202.195, F.S., as amended, provided the Registrant so notifies the County which
26 information is confidential in accordance with Florida's Public Records Laws.

27
28 (q) *Historic preservation zoning regulations.* A Permit shall be denied for failure to comply with
29 applicable historic preservation zoning regulations, including local, State and federal rules and
30 regulations.

31
32 **Sec. 16-108. General Enforcement Remedies.**

33
34 (a) A Registrant's failure to comply with provisions of this Article shall constitute a violation of
35 this Code and may subject the Registrant to termination of Registration in accordance with the
36 provisions of Section 16-105, suspension or revocation of a Permit under the provisions of Section
37 16-109, or restrict a Registrant from obtaining a new permit, and subject the Registrant to a civil
38 penalty in accordance with the provisions of Section 1-9 or injunctive relief as otherwise provided by
39 law.

40
41 (b) Failure of the County to enforce any requirements of this Article shall not constitute a waiver
42 of the County's right to enforce a violation or subsequent violations of the same type or to seek
43 appropriate enforcement remedies.

44
45 **Sec. 16-109. Enforcement of Permit Obligations; Suspension and Revocation of Permits.**

(a) The County Engineer may order the suspension of Placement and Maintenance work under a Permit and ultimately may revoke any Permit, in the event of a substantial breach of the terms and conditions of any Applicable Codes, State and federal laws and regulations, or any condition of the Permit. A substantial breach by the Permittee may include, but is not limited to:

- (1) The violation of any material provision of the Permit or Applicable Codes;
- (2) An evasion or attempt to evade any material provision of the Permit or the perpetration or attempt to perpetrate any fraud or deceit upon the County ;
- (3) Any material misrepresentation of fact in the process of Permittee's request for a Permit or Registration;
- (4) The failure to maintain the required performance bond, security fund or insurance;
- (5) The failure to properly restore the Public Rights-of-way;
- (6) The failure to comply within the specified time with an order issued by the County Engineer to correct a harmful condition or remedy a hazardous situation;
- (7) The failure to comply with a stop work order issued by the County Engineer;
- (8) The failure to Register, renew Registration, or provide notice of transfer in accordance with Section 16-104;
- (9) The failure to relocate or remove Facilities pursuant to this Article and Chapter 337, F.S., as amended; or
- (10) Conducting work in the Public Rights-of-Way without a Permit, if required.

(b) If the County Engineer determines that the Permittee has committed a substantial breach of a term or condition of the Permit or this Article, the County Engineer shall make a written demand upon the Permittee to remedy such violation. The demand shall state that the continued violation(s) may be cause for suspension or revocation of the Permit. Further, the County Engineer, at his or her discretion, may impose additional or revised permit conditions on the Permit following a substantial breach.

(c) Within thirty (30) days of receiving notification of the breach, the Permittee shall contact the County Engineer with a plan, acceptable to the County Engineer, for its correction or shall submit a statement as to why a substantial breach has not occurred. The County shall provide additional time as reasonably necessary for a Permittee to establish a plan acceptable to the County Engineer taking into account the nature and scope of the alleged breach. The Permittee's failure to contact the County Engineer, the Permittee's failure to submit an acceptable plan, or the Permittee's failure to reasonably implement the approved plan, shall be cause for suspension or revocation of the Permit. A final determination to suspend or revoke a Permit may be appealed in accordance with the procedures set forth in Section 16-110.

(d) If a Permit is revoked, the Permittee shall reimburse the County for the County's reasonable costs, including restoration costs, administrative costs, attorney's fees, and the cost of collection.

(e) The County Engineer may cause an immediate stop work order where the Permittee's Construction, Placement or Maintenance poses a serious threat to the health, safety or welfare of the public until such time as such serious threat has been abated.

Sec. 16-110. Appeals.

(a) The following final determinations by the County are subject to appeal as provided in this Section:

- (1) Denial of an initial Registration or Registration renewal;
- (2) Involuntarily termination of a Registration;
- (3) Suspension or revocation of a Permit;
- (4) The issuance of a final finding of violation;
- (5) Denial of a Permit to Place or Maintain a Communications Facility or Utility Pole in the Public Rights-of-way; and
- (6) Denial of a request for waiver.

(b) As used in this Section, the term *Party* or *Parties* means the County Engineer or County Administrator and the Applicant challenging a decision made by the County.

(c) A decision subject to appeal may be appealed by the Applicant within thirty (30) days of the date of the decision by timely filing a petition. Petitions shall be made in writing and directed to the Public Works Director, and shall include the decision which is the subject of the appeal and a description of the facts upon which the decision is challenged and any argument in support thereof. Failure to file a petition within thirty (30) days is jurisdictional and will result in a waiver of a hearing. If contested, all determinations on the timeliness of the filing of a petition shall be made by the special master or administrative law judge.

(d) The Board of County Commissioners shall appoint and retain a special master or shall contract with the Florida Division of Administrative Hearings for an administrative law judge to conduct quasi-judicial proceedings regarding appeals. Each special master shall be a licensed attorney with the Florida Bar who has practiced law in Florida for at least five years. Any special master conducting quasi-judicial proceedings pursuant to this Section shall have the powers of special masters enumerated in Section 120.569(2)(f), F.S., as well as to issue other orders regarding the conduct of the proceedings.

(e) All hearings shall be commenced within ninety (90) days of the date the petition was filed. Requests for continuance by any Party may be granted for good cause shown. To the maximum extent practicable, the hearings shall be informal. The Parties shall have the opportunity to respond, to present evidence and argument on all issues which are the subject of the appeal, and to conduct cross-examination and submit rebuttal evidence. During cross examination of witnesses, questioning shall be confined as closely as possible to the scope of direct testimony. The special master or administrative law judge may call and question witnesses or request additional evidence as he or she deems necessary and appropriate. To that end, if during the hearing the special master or administrative law judge believes that any facts, claims, or allegations necessitate review and response by any Party, then the special master or administrative law judge may order the hearing continued until a date certain, but no longer than fifteen (15) days. The special master or administrative law judge shall decide all questions of procedure.

(f) Any Party may move for a summary final order when there is no genuine issue as to any material fact. A summary final order shall be rendered if the special master or administrative law judge determines from the pleadings, depositions, answers to interrogatories, and admissions on file,

1 together with affidavits, if any, that no genuine issue as to any material fact exists and that the
2 moving party is entitled as a matter of law to the entry of a final order. A summary final order shall
3 consist of written findings of fact, conclusions of law, and a recommendation to approve, approve
4 with conditions, or deny the decision subject to appeal.

5
6 (g) The Applicant challenging the decision has the burden of proof to demonstrate entitlement to
7 a reversal of a decision made by the County. Findings of fact shall be based upon a preponderance of
8 the evidence and shall be based exclusively on the evidence of record and on matters officially
9 recognized.

10
11 (h) The special master or administrative law judge shall render a recommended order on the
12 application to the Board of County Commissioners within thirty (30) calendar days after the hearing
13 concludes, unless the Parties waive the time requirement. The recommended order shall contain
14 written findings of fact, conclusions of law, and a recommendation to approve, approve with
15 conditions, or deny the decision subject to appeal. A copy of the recommended order shall be served
16 on the Parties. Service of copies may be made by electronic communication. The Parties shall have
17 ten (10) days from the date of the recommended order is served to file specific, written exceptions to
18 the recommended order with the clerk of the Board of County Commissioners. Exceptions shall
19 include appropriate references to the record before the special master or administrative law judge.

20
21 (i) Unless the Parties waive the time requirement, the hearing by the Board of County
22 Commissioners will commence no later than sixty (60) days from the date of receipt of the
23 recommended order and record of the decision being reviewed or the next regularly scheduled Board
24 meeting, whichever is later. The record before the Board shall consist of the complete record of the
25 proceedings before the special master or administrative law judge. The hearing before the Board of
26 County Commissioners shall be limited to matters of record, and arguments based on the record. No
27 new evidence shall be presented to the Board at the hearing. The Parties shall be limited to a total of
28 twenty (20) minutes to present his or her argument. For good cause shown the chairman may grant
29 additional time. The Board shall also receive public comment. At the conclusion of the hearing, the
30 Board shall render a decision approving, approving with conditions, or denying the decision subject
31 to appeal. The Board is bound by the special master's or administrative law judge's findings of fact
32 unless the findings of fact are not supported by competent substantial evidence in the record before
33 the special master or administrative law judge. The Board may modify the conclusions of law if it
34 finds that the special master's or administrative law judge's application or interpretation of law is
35 erroneous. The Board may make reasonable legal interpretations of its Code without regard to
36 whether the special master's or administrative law judge's interpretation is labeled as a finding of fact
37 or a conclusion of law. The Board's final decision must be reduced to writing, including the findings
38 of fact and conclusions of law, and is not considered rendered or final until officially date-stamped by
39 the clerk of the Board of County Commissioners.

40
41 (j) The sole method by which an Applicant may challenge the decision of the Board is by an
42 appeal filed by a petition for writ of certiorari filed in circuit court no later than thirty (30) days
43 following rendition of the Board's decision.

44
45 **Sec. 16-111. Insurance.**

(a) *General.* A Registrant shall provide, pay for and maintain satisfactory to the County the types of insurance described herein. All insurance shall be from responsible companies duly authorized to do business in the State of Florida and having an A.M. Best A-VII or better rating. All liability policies shall provide that the County is an additional insured as to the activities under this Article. The required coverages must be evidenced by properly executed certificates of insurance forms. The certificates must be signed by the authorized representative of the insurance company and shall be filed and maintained with the County annually. Thirty (30) days advance written notice by registered, certified or regular mail or electronic mail, as determined by the County, must be given to the County's Risk Manager of any cancellation, intent not to renew or reduction in the policy coverages, with the exception of non-payment of premiums in which case notice shall be provided within thirty (30) days of such non-payment. The insurance requirements may be satisfied by evidence of self-insurance or other types of insurance acceptable to the County.

(b) *Insurance coverage and limits of insurance coverage.* The insurance coverage and limits of coverage of insurance required shall be not less than the following:

- (1) *Worker's compensation and employer's liability insurance.* Florida statutory requirements.
- (2) *Comprehensive general liability.* Commercial general liability occurrence form, including premises/operations, independent contractor's contractual liability, product/completed operations; X, C, U coverage; and personal injury coverage for limits of no less than one million dollars (\$1,000,000) per occurrence, combined single limit and two million dollars (\$2,000,000) in the aggregate.
- (3) *Commercial Automobile liability.* Commercial automobile liability coverage for all owned, non-owned and hired vehicles involved in operations under this Article for limits of no less than one million dollars (\$1,000,000) per occurrence combined single limit each accident.
- (4) *Commercial excess or umbrella liability.* Commercial excess or umbrella liability coverage may be used in combination with primary coverage to achieve the required limits of liability.

(c) *Proof of insurance.* Upon applying for Registration, the Registrant shall submit to the County proof that it has obtained the insurance required under this Section, including a certificate of insurance signed by an authorized representative of the insurance company.

(d) *Authority to increase or decrease policy limits.* The County shall have the authority to reasonably increase or decrease the policy limits set forth above and shall provide each Registrant with at least thirty (30) days advance written notice of such change. Within thirty (30) days from receipt of a notice to increase its policy limits, the Registrant shall submit to the County proof of such increased coverage.

(e) *Duration.* The coverage provided herein shall be maintained at all times during the use or occupancy of the Public Rights-of-way, including any time during Placement or Maintenance of Communications Facilities.

(f) *Failure to maintain required coverage.* Failure to maintain all the required insurance coverage

1 may subject the Applicant to the enforcement remedies set forth in Sections 1-9, 16-108 and 16-109.

2
3 **Sec. 16-112. Indemnification.**
4

5 (a) By reason of the acceptance of a Registration or the issuance of a Permit under this Article,
6 the County does not assume any liability for injuries to persons, damage to property, or loss of
7 service claims by parties other than the Registrant or the County or for claims or penalties of any sort
8 resulting from the Construction, presence, Placement, installation, Maintenance, repair or operation
9 of Communications Facilities by Registrants or agents of Registrants.
10

11 (b) A Registrant shall defend, indemnify, and hold the County whole and harmless from all costs,
12 liabilities, and claims for damages of any kind arising out of the Construction, presence, Placement,
13 installation, Maintenance, repair or operation of its Communications Facilities, whether any act or
14 omission complained of is authorized, allowed, or prohibited by a Permit, inspection of plans or work
15 by the County, except to the extent that such claims are caused by the sole negligence or willful
16 misconduct of the County. This Section is not, as to third parties, a waiver of any defense or
17 immunity otherwise available to the Registrant or to the County; and the Registrant, in defending any
18 action on behalf of the County, shall be entitled to assert in any action every defense or immunity that
19 the County could assert in its own behalf. The provisions of this Section include, but are not limited
20 to, the County's reasonable attorneys' fees incurred in defending against any such claim, suit or
21 proceeding(s).
22

23 (c) The County agrees to notify the Registrant, in writing, within thirty (30) days of the County
24 receiving notice, of any issue it determines may require indemnification.
25

26 (d) This indemnification obligation is not limited in any way by a limitation of the amount or
27 type of damages or compensation payable by or for the Registrant under workers' compensation,
28 disability or other employee benefit acts, or the acceptance of insurance certificates required under
29 this Article, or the terms, applicability or limitations of any insurance held by the Registrant.
30

31 (e) The Registrant shall investigate, handle, respond to, provide defense for, and defend any such
32 claims at its sole expense and shall bear all other costs and expenses related thereto even if the claim
33 is groundless, false or fraudulent and if called upon by the County. The Registrant shall assume and
34 defend not only itself but also the County in connection with any such claims and any such defenses
35 shall be at no cost or expense whatsoever to the County provided the County shall retain the right to
36 select counsel of its own choosing. The County shall not settle or compromise any matter for which a
37 Registrant is obligated to indemnify without the prior written consent of the Registrant. Such consent
38 shall not be unreasonably withheld.
39

40 (f) The County does not and shall not waive any rights against the Registrant which it may have
41 by reason of this indemnification, or because of the acceptance by, or the Registrant's deposit with
42 the County of any of the insurance policies required by this Article for Registration.
43

44 (g) This indemnification by the Registrant shall apply to all damages and claims for damages of
45 any kind suffered regardless of whether such insurance policies shall have been determined to be

1 applicable to any such damages or claims for damages.

2
3 (h) Nothing contained in this Section shall be construed or interpreted as denying to either party
4 any remedy or defense available to such party under the laws of the State of Florida or as a waiver of
5 sovereign immunity beyond the waiver provided in Section 768.28, F.S., as amended.

6
7 (i) The indemnification requirements under this Section and this Article shall survive and be in
8 full force and effect after the termination or cancellation of a Registration.

9
10 **Sec. 16-113. Performance Bond.**

11
12 (a) Prior to issuance of any Permit in accordance with this Article, the Registrant shall be
13 required to obtain, pay for, and file with the County a performance bond. The performance bond shall
14 serve to guarantee proper performance under the requirements of this Article and the Permit, the
15 timeliness and quality of the construction and restoration of the County's Public Rights-of-way, and
16 to secure, and enable the County to recover, all costs related to the restoration of the Public Rights-of-
17 way in the event the Registrant fails to make such restoration to the County's satisfaction or causes
18 damage to the Public Rights-of-way during Construction. The performance bond must name the
19 County as Obligee and be conditioned upon the full and faithful compliance by the Registrant with all
20 requirements, duties, and obligations imposed by the Permit and provisions of this Article during and
21 through completion of the Placement or Maintenance project. The performance bond shall be in a
22 form acceptable to the County Attorney and must be issued by a surety having an A.M. Best A-VII
23 rating or better and duly authorized to do business in the State of Florida.

24
25 (1) For At-Grade Facilities, Below-grade Facilities, Wireline Facilities, and Utility Poles
26 the performance bond shall be in the face amount of the estimated costs of the
27 restoration of the Public Rights-of-way. No performance bond is required if the
28 estimated costs of the restoration of the Public Rights-of-way is less than two thousand
29 five hundred dollars (\$2,500) provided the Registrant has a fully replenished security
30 fund with the County.

31 (2) For Wireless Communications Facilities, including Wireless Communications
32 Facilities deemed granted pursuant to Section 16-302(e), the performance bond shall
33 be in the face amount of the estimated costs of the restoration of the Public Rights-of-
34 way, but in no event shall be less than five thousand dollars (\$5,000). For a
35 Consolidated Permit Application, the Registrant shall provide a performance bond in
36 the amount of the total costs of the restoration of the Public Rights-of-way for all
37 Wireless Communications Facilities requested to be Collocated on an Existing
38 Structure within the Public Rights-of-way, but in no event shall be less than five
39 thousand dollars (\$5,000).

40 (b) The performance bond must be issued as non-cancelable and be for a term of not less than
41 ninety (90) days after the anticipated date of completion of Construction, restoration and County
42 inspection. In the event the term of any construction bond expires, or is reasonably expected to
43 expire, prior to ninety (90) days after the completion of Construction, restoration and County

inspection, the Communications Services Provider, Wireless Infrastructure Provider or Pass-through Provider shall immediately obtain, pay for, and file with the County a replacement performance bond.

(c) The County's right to recover under the performance bond shall be in addition to all other rights of the County, whether reserved in this Article, or authorized by other law, and no action, proceeding or exercise of a right with respect to the performance bond will affect or preclude any other right the County may have. Any proceeds recovered under the performance bond may be used to reimburse the County for such additional expenses as may be incurred by the County as a result of the failure of the Registrant to comply with the responsibilities imposed by this Article, including, but not limited to, attorney's fees and costs of any action or proceeding.

Sec. 16-114. Security Fund.

(a) Prior to occupying or using the Public Rights-of-way, the Registrant shall be required to file with the County a security fund in the form of cash deposit or irrevocable letter of credit in the sum of ten thousand dollars (\$10,000) conditioned on the full and faithful performance by the Registrant of all requirements, duties and obligations imposed upon the Registrant by the provisions of this Article, including requirements to restore the Public Rights-of-way, to remove any Abandoned Communications Facilities, and to avoid damage to other Utilities and facilities within the Public Rights-of-way. Any cash deposit shall be held in a separate, non-interest bearing account. The letter of credit shall be issued by a financial institution with a location in Leon County and shall be in a form and issued by a financial institution acceptable to the County Attorney. A Security Fund may be submitted to the County at the time of Registration.

(b) Should the County draw upon the security fund, it shall promptly notify the Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider, and the Provider shall promptly restore the cash deposit or letter of credit to the full amount. The security fund shall be maintained until the later of: (a) the effective date of transfer, sale or assignment by the Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider of all of its Communications Facilities in the Public Rights-of-way; (b) twelve (12) months after the removal or Abandonment by the Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider of all of its Communications Facilities and/or Utility Poles in the Public Rights-of-way; or (c) six (6) months after the termination of Registration, including any appeals undertaken. Upon the later of these events the cash deposit will be returned without interest or the letter of credit may be canceled.

(c) In the event a Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider fails to perform any requirement, duty or obligation imposed upon it by the provisions of this Article, there shall be recoverable, jointly and severally from the security fund, any damages or loss suffered by the County as a result, including the full amount of any compensation, indemnification, or cost of removal, relocation or Abandonment of any Communications Facilities in the Public Rights-of-Way, plus reasonable attorneys' fees, up to the full amount of the security fund.

Sec. 16-115. Fines.

(a) In addition to any other rights or remedies available at law or equity or as otherwise provided in this Article, the County shall have the power to impose the following fines in the event the Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider violates any provision of this Article or a Permit. Prior to imposing any such fine, the County shall provide the Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider written notice of the alleged violation and the provider shall be given a reasonable time to correct the violation, provide a plan acceptable to the County Engineer to correct the violation, or object to the notice of the alleged violation in writing. The Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider's failure to correct or submit an acceptable plan to correct the violation or submit an objection acceptable to the County Engineer, shall be cause for issuance of a final finding of violation in writing. The Provider shall be required to pay the County the following fines within ten (10) days from the date of the final finding of violation. Fines shall begin to accrue on the date of the final finding of violation. A final finding of violation may be appealed pursuant to Section 16-110. Any such fines shall be recoverable from the security fund at the option of the County.

- (1) Failure to apply for a Permit, if required, or a violation of any Permit condition—One hundred dollars (\$100) per day.
- (2) Failure to notify the County of any work performed in the Public Rights-of-way when such notification is required under this Article—One hundred dollars (\$100) per occurrence.
- (3) Failure to complete Construction within one (1) year of the issuance by the County of the applicable Permit, unless a longer period of time has been granted by the County—One hundred dollars (\$100) per day.
- (4) Failure to properly maintain the Communications Facility in the Public Rights-of-way, including the failure to remove Graffiti, as required under Section 16-107(f)—One hundred dollars (\$100) per day.
- (5) Failure to correct harmful conditions as required under Section 16-107(m)—Five hundred dollars (\$500) per occurrence.
- (6) Failure, in an emergency, to temporarily relocate or temporarily shut off service or transmission as required under Section 16-107(n)—Five hundred dollars (\$500) per occurrence.
- (7) Failure to pay for, keep or maintain on file the required insurance or to provide evidence thereof to the County—Five hundred dollars (\$500) per occurrence.
- (8) Failure to supply As-built Plans or GPS coordinates in accordance with Section 16-107(k)—One hundred dollars (\$100) per day.

Sec. 16-116. Abandonment of a Communications Facility or Utility Pole.

(a) Upon determination by a Registrant that one or more of its Communications Facilities or Utility Poles in the Public Rights-of-way is to be Abandoned, the Registrant shall notify the County no later than one hundred eighty (180) days from such determination, or no later than thirty (30) days following such Abandonment, whichever is sooner.

(b) The County shall provide written notice to a Registrant if the County reasonably believes a Communications Facility or Utility Pole is Abandoned. The written notice shall provide the

1 Registrant a reasonable time to either verify that the Communications Facility or Utility Pole is not
2 Abandoned or remove the Communications Facility or Utility Pole. Failure of the Registrant to
3 respond within the specified time shall constitute Abandonment of the Communications Facility or
4 Utility Pole.

5
6 (c) Abandonment of the Communications Facility or Utility Pole requires removal of the
7 Communications Facility or Utility Pole, except that, at the sole discretion of the County Engineer, a
8 Below-grade Facility may not require removal. If the Communications Facility is attached to an
9 Existing Structure that has an independent function, such as a light pole, traffic signal, pedestrian
10 signal, or the like, said Abandonment of the Communications Facility requires removal of the
11 Communications Facility only and does not require the removal of the Existing Structure.

12
13 (d) If the Registrant fails to remove all or any portion of an Abandoned Communications Facility
14 or Utility Pole as directed by the County within a reasonable time period as may be required by the
15 County, the County may perform such removal and charge the cost of the removal against the
16 Registrant. Any such costs of removal shall be recoverable from the security fund at the option of the
17 County.

18
19 **Sec. 16-117. Removal or Relocation; Conversion of Overhead Distribution Facilities to**
20 **Underground Distribution Facilities**

21
22 (a) *Removal or relocation.* Removal or relocation at the direction of the County of a Registrant's
23 Communications Facilities in a Public Rights-of-way shall be governed by the provisions of Chapter
24 337, F.S. as amended, or applicable State or federal laws and regulations.

25
26 (b) *Conversion of overhead facilities to underground facilities.* Subject to Chapter 337, F.S., as
27 amended, or applicable State or federal laws and regulations, whenever existing overhead Utility
28 facilities are converted to underground Utility facilities, any Registrant having Communications
29 Facilities, including Small Wireless Communications Facilities Collocated on an Existing Structure
30 which is to be removed as a result of said underground conversion, shall arrange at their sole expense
31 for the conversion to underground facilities or above ground relocation.

32
33 (c) *Temporary raising and lowering of Communications Facilities as accommodation.* A
34 Registrant shall, on the request of any Person holding a Permit issued by the County, temporarily
35 raise or lower its aerial Wireline Facilities to permit the work authorized by the Permit within the
36 Public Rights-of-way. With the exception of the County, the expense of such temporary raising or
37 lowering of Wireline Facilities shall be paid by the Person requesting the same, and the Registrant
38 shall have the authority to require such payment in advance. The Registrant shall not require the
39 County to submit any payment for temporarily raising or lowering Wireline Facilities. The Registrant
40 shall be given not less than thirty (30) days advance written notice to arrange for such temporary
41 relocation.

42
43 **Sec. 16-118. Force Majeure.**

44
45 In the event the County's or a Registrant's performance of or compliance with any of the provisions

1 of this Article is prevented by a cause or event not within the County's or a Registrant's control, such
2 inability to perform or comply shall be deemed excused and no penalties or sanctions shall be
3 imposed as a result, provided, however, that such Registrant uses all practicable means to
4 expeditiously cure or correct any such inability to perform or comply. For the purposes of this
5 Section, cause or events not within the County's or a Registrant's control shall include, but not be
6 limited to, acts of God, floods, earthquakes, landslides, hurricanes, fires and other natural disasters,
7 acts of public enemies, riots or civil disturbances, sabotage, strikes and restraints imposed by order of
8 a governmental agency or court. Causes or events within a Registrant's control, and thus not falling
9 within this Section shall include without limitation, a Registrant's financial inability to perform or
10 comply, economic hardship, and misfeasance, malfeasance or nonfeasance by any of Registrant's
11 directors, officers, employees, contractors or agents. Upon the issuance of a County or State
12 Declaration of a State of Emergency, the timeframes outlined in Sections 16-201 and 16-302 are
13 tolled until the State of Emergency is lifted.
14

15 **Sec. 16-119. Pass-through provider fees and charges.**
16

17 (a) Pass-through Providers shall pay to the County on an annual basis an amount equal to five
18 hundred dollars (\$500.00) per linear mile or portion thereof of Communications Facilities Placed
19 and/or Maintained in the Public Rights-of-way.
20

21 (b) The amounts charged pursuant to this Section shall be based on the linear miles of Public
22 Rights-of-way where Communications Facilities are Placed, not based on a summation of the lengths
23 of individual cables, conduits, strands or fibers.
24

25 (c) A County shall not impose a charge for any linear miles, or portions thereof, for Public
26 Rights-of-way where a Communications Facility is Placed that extends through the City to which the
27 Pass-through Provider remits Communications Services Tax.
28

29 (d) The County shall discontinue charging Pass-through Provider fees to a Person that has ceased
30 being a Pass-through Provider. Any annual amounts charged shall be reduced for a prorated portion
31 of any 12-month period during which the Pass-through Provider remits Communications Services
32 Tax.
33

34 (e) Annual payments shall be due and payable on April 1 of each year. Fees not paid within ten
35 (10) days after the due date shall bear interest at the rate of one (1) percent per month from the date
36 due until paid. The acceptance of any payment required hereunder by the County shall not be
37 construed as an acknowledgement that the amount paid is the correct amount due, nor shall such
38 acceptance of payment be construed as a release of any claim which the County may have for
39 additional sums due and payable. All fee payments shall be subject to audit by the County, and
40 assessment or refund if any payment is found to be in error. If such audit results in an assessment by
41 and an additional payment to the County, such additional payment shall be subject to interest at the
42 rate of one (1) percent per month until the date payment is made.
43

44 (f) If the payments required by this Section are not made within ninety (90) days after the due
45 date, the County Engineer may withhold the issuance of any Permits to the Registrant until the
46 amount past due is paid in full. In addition to other remedies available at law or in equity, the any

1 payments past due shall be recoverable from the security fund at the sole discretion of the County.

2
3 **Sec. 16-120. Permit Fees.**

4
5 No Permit fees shall be imposed for Permits for Communications Facilities or Utility Poles used to
6 support Communications Facilities under this Article. The Board may adopt by resolution a fee
7 schedule relating to the issuance of Permits for other Utility Poles under this Article.
8

9 **Sec. 16-121. Reservation of Rights and Remedies.**

10
11 (a) The provisions of this Article shall be applicable to all Communications Facilities and Utility
12 Poles Placed in the Public Rights-of-way on or after the effective date of this Ordinance and
13 shall apply to all existing Communications Facilities and Utility Poles Placed in the Public Rights-of-
14 way prior to the effective date of this Ordinance to the full extent permitted by federal and State law,
15 except that any provision of this Article regarding the size, stealth design, concealment, or location of
16 Communications Facilities shall not apply to Communications Facilities lawfully Placed within the
17 Public Rights-of-way prior to the effective date of this Ordinance, to the extent that such
18 Communications Facilities may be maintained, repaired, and replaced with a Communications
19 Facility substantially similar in size and design.
20

21 (b) Nothing in this Article shall affect the remedies the County or the Communications Services
22 Provider, Wireless Infrastructure Provider, or Pass-through Provider has available under applicable
23 law.
24

25 **Sec. 16-122. No liability or warranty.**

26
27 Nothing contained in this Article shall be construed to make or hold the County responsible or liable
28 for any damage to persons or any property whatsoever, from any cause whatsoever, arising from the
29 use, operation or condition of the Registrant's Communications Facilities or Utility Poles by reason
30 of any inspection or re-inspection authorized herein or failure to inspect or re-inspect. Nor shall the
31 issuance of any Permit or the approval or disapproval of any Placement or Maintenance of the
32 Registrant's Communications Facilities or Utility Poles as authorized herein constitute any
33 representation, guarantee or warranty of any kind by, or create any liability upon the County or any
34 official, agent or employee thereof.
35

36 **Division 2. At-grade Facility, Below-grade Facility, Wireline Facility, and Utility Pole**
37 **Standards**

38
39 **Sec. 16-200. Applicability**

40
41 This Division shall apply to any Person who seeks to Construct, Place, install, Maintain or operate an
42 At-grade Facility, Below-grade Facility, Wireline Facility or Utility Pole in the Public Rights-of-
43 Way, unless otherwise exempt by operation of Applicable Codes, or State or federal laws or
44 regulations. This Division shall not apply to At-grade Facilities, Below-grade Facilities or Wireline
45 Facilities owned by a Person, including the County, to the extent such facilities are utilized on an

internal, non-commercial basis by said Person. This Division shall not apply to the ground-mounted equipment of Small Wireless Facilities, as defined in Section 16-102 of this Article.

Sec. 16-201. Permit Requirements; Application; Review Timeframes.

(a) *Permit required.* A Person or Registrant shall not commence to Place or Maintain a Utility Pole, At-grade Facility, Below-grade Facility, or Wireline Facility, including wireline backhaul facilities and coaxial or fiber-optic cable that are between wireless structures or Utility Poles or that are otherwise not immediately adjacent to or directly associated with a particular Antenna, in the Public Rights-of-way until all applicable Permits have been issued by the County. As a condition of granting Permits, the County may impose reasonable conditions governing the Placement or Maintenance of an At-grade Facility, Below-grade Facility, Wireline Facility, or Utility Pole in the Public Rights-of-way as set forth in Section 337.401, F.S., as amended. Permits shall apply only to the areas of the Public Rights-of-way specifically identified in the Permit. As used in this Section, the term *Facility* shall be used to collectively refer to At-grade Facilities, Below-grade Facilities, and Wireline Facilities.

(b) *Permit not required.*

- (1) A Person or Registrant shall be allowed to perform Emergency Maintenance within the Public Rights-of-way without first obtaining a Permit. However, such Person or Registrant shall provide prompt notice to the County of the Emergency Maintenance and, within fifteen (15) days of completing the Emergency Maintenance, apply for a Permit if such activity required a Permit under this Article. As used in this Section, the term *Emergency Maintenance* means the repair or replacement of a Communications Facility as a result of a condition that affects the public health, safety or welfare, which includes an unplanned out-of-service condition of a pre-existing service.
- (2) A Person or Registrant shall be allowed to perform routine maintenance within the Public Rights-of-way if such proposed routine maintenance does not involve excavation or the closure of a vehicle lane, upon reasonable advance written notice to the County identifying the areas where such maintenance will occur, scope of maintenance, date(s) and duration of work to be performed. If routine maintenance requires the closure of a vehicle lane, a lane closure Permit shall be required.
- (3) A Person or Registrant shall be allowed to Place or Maintain a Service Drop within the Public Rights-of-way without first obtaining a permit if such proposed work does not involve excavation, or the closure of a vehicle lane. If such Placement or Maintenance of a Service Drop requires the closure of a vehicle lane, a lane closure Permit shall be required.
- (4) A Person or Registrant shall be allowed to replace or remove aerial Wireline Facilities within the Public Rights-of-way if such proposed removal does not involve excavation or the closure of a vehicle lane, upon reasonable advance written notice to the County identifying the areas where such replacement or removal will occur and the date(s) and

duration of work to be performed. If the removal of an aerial Wireline Facility requires the closure of a vehicle lane, a lane closure Permit shall be required.

(5) A Person or Registrant shall be allowed to remove Utility Poles within the Public Rights-of-way if such proposed removal does not involve excavation or the closure of a vehicle lane, upon reasonable advance written notice to the County identifying the areas where such removal will occur and the date(s) and duration of work to be performed. If the removal of a Utility Pole requires the closure of a vehicle lane, a lane closure Permit shall be required.

(6) The County Engineer may cause an immediate stop work order where any work poses a serious threat to the health, safety or welfare of the public until such time as such serious threat has been abated.

(7) A Permit is not required if the proposed work is otherwise authorized to be performed without County approval by applicable State or federal laws or regulations or this Article.

(c) *Permit Application.* As part of any Permit application to Place or Maintain an At-grade Facility, Below-grade Facility, Wireline Facility, or Utility Pole, in the Public Rights-of-way, the Person shall provide a Permit application that sets forth, at a minimum, the following:

(1) *Engineering plan.* An engineering plan that includes:

- a. The type of proposed Facility, location of the proposed Facility or Utility Pole, and the dimensions, height, footprint, stealth design, and concealment features of the proposed Facility or Utility Pole;
- b. Distances between the proposed Facility or Utility Pole and nearby pavement, sidewalks, driveways, ramps, trees, underground Utilities and other above-grade and below-grade structures and Utilities located within the Public Rights-of-way;
- c. Sufficient specificity demonstrating compliance with the Florida Building Code, the Florida Department of Transportation's Manual of Minimum Standards, the Utility Accommodation Guide, and the National Electric Safety Code, as amended and as applicable;
- d. Attestation that the proposed Facility or Utility Pole is located within the Public Rights-of-way, except that if the County Engineer reasonably disagrees the Applicant must submit a survey; and
- e. Trees or landscaping to be removed or impacted upon the Placement or Maintenance of the proposed Facility or Utility Pole. The Placement or Maintenance of a Facility or Utility Pole that results in the Tree Removal of a Protected Tree within the Canopy Road Tree Protection Zones shall provide additional information and documentation in accordance with Sections 10-4.206(b)(2) and 10-4.206(c)(1). The Placement or Maintenance of a Facility or Utility Pole that results in the Tree Removal of a Protected Tree outside of the

Canopy Road Tree Protection Zone shall provide additional information and documentation in accordance with Section 10-4.206(c)(1).

- (2) *Description of installation or Construction.* The Applicant shall provide a description of the manner in which the Facility or Utility Pole will be installed and/or modified (i.e. anticipated Construction methods or techniques).
- (3) *Temporary sidewalk closure plan.* The Applicant shall provide a temporary sidewalk closure plan, if appropriate, to accommodate Placement or Maintenance of the Facility or Utility Pole.
- (4) *Temporary maintenance of traffic (MOT) plan.* The Applicant shall provide a temporary traffic lane closure and maintenance of traffic (MOT) plan, if appropriate, to accommodate Placement or Maintenance of the Facility or Utility Pole.
- (5) *Restoration plan and estimated cost of restoration of the Public Rights-of-way.* A restoration plan and a good faith estimate of the cost of restoration of the Public Rights-of-way. Such good faith estimate shall be accepted by the County unless the County determines such estimated costs are not representative of the actual costs of the restoration of the Public Rights-of-way. Estimates of the cost to restore the Public Rights-of-way shall include all costs necessary to restore the Public Rights-of-way to its original condition. Such good faith estimate may include, but shall not be limited to, costs to restore the paving, curbs/gutters, sidewalks, multi-purpose trails, and landscaping. All planted or naturally occurring shrubbery or vegetation, including sod, damaged or destroyed during work in the Public Rights-of-way shall be replaced. Tree removal shown on the Permit shall not be considered damage or impairment to be restored to the original condition provided the Person complies with the approved mitigation plan, if any.
- (6) *Timetable for Construction or installation.* The timetable for Construction, Placement or Maintenance of the proposed Facility or Utility Pole or each phase thereof.
- (7) *Indemnification.* A statement shall be included within the Permit application that by execution of the application, the Applicant shall be bound to the County with respect to the indemnification provisions set forth in Section 16-112.
- (8) *Airport airspace protection.* Applicant shall comply with Chapter 333, F.S., and all State and federal laws and regulations pertaining to airport airspace protections.
- (9) *Attestation.* For Utility Poles that are intended to support the Collocation of Small Wireless Facilities, the Applicant shall provide an attestation by an officer of the Registrant that a Small Wireless Communications Facility will be Collocated on the Utility Pole and will be used by a Wireless Services Provider to provide service within nine (9) months after the date the application is approved.
- (10) *Information regarding height limitations.* For Utility Poles intended to support the

Collocation of Small Wireless Facilities, the Applicant shall provide information regarding the heights of other Utility Poles located in the same Public Rights-of-way, measured from grade in place within five hundred (500) feet of the proposed location of the Utility Pole. If there is no Utility Pole within five hundred (500) feet of the proposed location of the Utility Pole intended to support the Collocation of Small Wireless Facilities, the Applicant shall certify such.

- (11) *Additional information as reasonably required for review of Permit application.* Such additional information as the County Engineer finds reasonably necessary to demonstrate the Applicant's Compliance with Applicable Codes, local laws and regulations, and State and federal laws with respect to the Placement or Maintenance of the proposed Facility or Utility Pole that is the subject of the Permit application.

(d) *Application review timeframes.* An application for a Permit for an At-grade Facility, Below-grade Facility, Wireline Facility or Utility Pole in the Public Rights-of-way shall be reviewed by the County as follows:

- (1) *Notice of application deficiency.* Within thirty (30) days after the date of filing an application, the County Engineer shall determine whether the application is complete. If an application is deemed incomplete, the County Engineer shall notify the Applicant by electronic mail and specifically identify the missing information.
- (2) *Application review period.* Within sixty (60) days after the date of filing an application, the County Engineer shall approve or deny the application.
- (3) *Notice of denial; resubmission.* Should the application be denied, the County Engineer shall notify the Applicant by electronic mail and specify the basis for denial, including the specific code provisions on which the denial is based. The Applicant may cure the deficiencies identified by the County Engineer and resubmit the application within thirty (30) days after the notice of denial is sent. The County Engineer shall approve or deny the revised application within thirty (30) days after the date of filing the revised application. A denial of a Permit may be appealed pursuant to Section 16-110.
- (4) *Repurposed Structures and Utility Poles intended to support the Collocation of Small Wireless Facilities.* An application for a Repurposed Structure or Utility Pole intended to support the Collocation of Small Wireless Facilities shall be reviewed by the County pursuant to the application review timeframes set forth in Section 16-302(e).

(e) A Permit application for a Repurposed Structure or a Utility Pole intended to support the Collocation of Small Wireless Facilities shall be submitted prior to or contemporaneously with a Permit application for a Small Wireless Facility.

Sec. 16-202. At-grade Facility, Below-Grade Facility, Wireline Facility, and Utility Pole Permit Conditions.

(a) At-grade Facilities, Below-grade Facilities, Wireline Facilities, and Utility Poles, may be

Placed and Maintained within the Public Rights-of-way subject to the County's consideration of the following standards and minimum requirements:

- (1) *Sufficiency of space to accommodate present and pending applications for use of the Public Rights-of-way.* The sufficiency of space to accommodate all of the present and pending applications to place other Communications Facilities, Utility Poles, Utilities, and other structures within the subject area of the Public Rights-of-way;
- (2) *Sufficiency of space to accommodate the need for projected public improvements.* The sufficiency of space to accommodate budgeted County plans for public improvements or projects adopted as part of the Leon County Capital Improvements Schedule or other approved capital improvements lists as part of the Tallahassee-Leon County Comprehensive Plan;
- (3) *Impact on traffic and traffic and pedestrian safety.* The impact on traffic and traffic and pedestrian safety. Such impact evaluation will include, without limitation, potential traffic and pedestrian interference, interference with the efficient movement of people and property, interference with sight lines or clear zones for transportation, pedestrians or public safety purposes; and
- (4) *Applicable Codes.* Applicable Codes and State and federal laws and regulations, including the General Permit Conditions in Section 16-107 and the Objective Design Standards in Section 16-203.

(b) A Permit for a proposed At-grade Facility, Below-grade Facility, Wireline Facility, or Utility Pole shall remain effective for and Construction must be completed within sixty (60) days. The County Engineer may extend the expiration date of the Permit for good cause.

(c) A Permit for a proposed Repurposed Structure or Utility Pole intended to support the Collocation of Small Wireless Facilities shall remain effective for and Construction must be completed within one (1) year. The County Engineer may extend the expiration date of the Permit for good cause.

(d) A Utility Pole intended to support the Collocation of Small Wireless Facilities may only contain Small Wireless Facilities. Unless otherwise exempted by State or federal law or this Article, Antennas, wires, or other facilities may not be mounted on the Utility Pole intended to support the Collocation of Small Wireless Facilities without a Permit.

Sec. 16-203. Objective Design Standards

(a) *Intent and purpose.* At-grade Facilities, Below-grade Facilities, Wireline Facilities, and Utility Poles shall be designed in such a manner to ensure such Facilities and Utility Poles are Placed in a safe location that do not interfere with the traveling public, and shall be designed to maximize compatibility with the Surrounding Neighborhood and to minimize any negative visual impact on the Surrounding Neighborhood. As used in this Section, the term *Facility* shall be used to collectively

1 refer to At-grade Facilities, Below-grade Facilities, and Wireline Facilities. The following design
2 standards shall apply, unless waived pursuant to Section 16-204.

3
4 (b) *Stealth design.* Utility Poles shall be made of substantially the same material, color, and
5 design as other Utility Poles within the same Public Rights-of-way, however, a Utility Pole made of a
6 steel, concrete, or fiberglass, and black or gray in color, shall not require a waiver regardless of the
7 material and color of other Utility Poles within the same Public Rights-of-way. A Repurposed
8 Structure shall be of substantially similar design, material, and color of the Existing Structure being
9 replaced by the Repurposed Structure. The Repurposed Structure shall be located in approximately
10 the same location as the Existing Structure. The Repurposed Structure shall continue to serve its
11 primary function. If the County has a planned project to replace Utility Poles in the same Public
12 Rights-of-way, the Repurposed Structure shall conform to the County's updated design, material, and
13 color.

14
15 (c) *Concealment.* The following concealment standards shall apply to proposed Facilities and
16 Utility Poles.

17
18 (1) Signage shall not be Placed or Maintained on any Facility or Utility Pole within the
19 Public Rights-of-way, unless otherwise required by State or federal laws or
20 regulations, or as permitted by the County, provided however, that Existing Structures
21 that lawfully supported Signage before being repurposed may continue to support
22 Signage as otherwise permitted by law.

23
24 (2) A Facility or Utility Pole shall not have any type of lighted signal, lights, or
25 illuminations unless required by an applicable State or federal laws or regulations, or
26 as permitted by the County.

27
28 (3) At-grade Facilities shall be located in areas with existing foliage or other aesthetic
29 features to obscure the view of the At-grade Facility or shall be designed to appear
30 similar to other At-grade Facilities in the same Public Rights-of-way. Any additional
31 plantings proposed pursuant to this subsection shall be approved by the County. An
32 Applicant may also utilize a Wrap for At-grade Facilities. An Applicant may propose
33 a Wrap design not previously approved by the County by applying for and obtaining a
34 waiver pursuant to Section 16-204. Wraps shall be maintained by the Applicant such
35 that the Wrap does not peel or significantly fade.

36
37 (d) *Maximum height restrictions.* A Utility Pole intended to support the Collocation of Small
38 Wireless Facilities is limited to the tallest existing Utility Pole as of July 1, 2017, located in the same
39 County Public Rights-of-way, other than a Utility Pole for which a waiver has previously been
40 granted, measured from grade in place within five hundred (500) feet of the proposed location of the
41 Utility Pole intended to support the Collocation of Small Wireless Facilities. If there is no Utility Pole
42 within five hundred (500) feet, the Utility Pole intended to support the Collocation of Small Wireless
43 Facilities shall be limited to fifty (50) feet.

44
45 (e) *Location context.* The following location context standards shall apply to proposed Facilities
46 and Utility Poles.

- (1) *Installation at outermost boundary of Public Rights-of-way.* At-grade Facilities and Utility Poles shall be Placed at the farthest distance practicable from the edge of pavement unless there is a designated corridor within the Public Rights-of-way.
- (2) *Equidistant requirement.* Utility Poles are strongly encouraged to be Placed equidistant between existing Utility Poles, if any, within the Public Rights-of-way.
- (3) *Common property line.* For Placement within Residential Blocks, Utility Poles are strongly encouraged to be Placed at the common property line of the Parcels that Abut the Public Rights-of-way.
- (4) *Prohibition against placement that significantly impairs view from principal structures within Residential Blocks.* At-grade Facilities and Utility Poles, shall be Placed such that views from principal structures within Residential Blocks are not significantly impaired.
- (5) *Prohibition against Placement in location where facilities are placed underground.* At-grade Facilities, aerial Wireline Facilities, and Utility Poles in the Public Rights-of-way shall comply with undergrounding requirements of the County that prohibit aboveground structures in the Public Rights-of-way.
- (6) *Tree Removal.* The Placement or Maintenance of a Small Wireless Facility that results in the Tree Removal of a Protected Tree within the Canopy Road Tree Protection Zones shall comply with the conditions outlined in Section 10-4.206(b)(5), as determined by the Development Review Committee, and abide by the tree replanting requirements in Section 10-4.364(b). The Placement or Maintenance of a Small Wireless Facility that results in the Tree Removal of a Protected Tree that is not within the Canopy Road Tree Protection Zones shall comply with the conditions outlined in Section 10-4.364(a) and abide by the tree replanting requirements in Section 10-4.364(b). Notwithstanding any other Code, the County Engineer shall determine if the proposed Tree Removal meets the conditions of Section 10-4.364(a) and the tree replanting requirements in 10-4.364(b). Tree Removal is not permitted within the Public Rights-of-way to increase signal strength or provide a line-of-sight.
- (7) *Prohibition against Placement in violation of OSHA or NESC rules and regulations.* At-grade Facilities, Below-grade Facilities, Wireline Facilities, and Utility Poles shall not be placed in a location which violates rules and regulations set by the Occupational Safety and Health Administration or the National Electric Safety Code.

Sec. 16-204. Waiver of the Objective Design Standards for At-grade Facilities, Below-grade Facilities, Wireline Facilities, and Utility Poles.

- (a) The waiver provisions listed in this subsection apply in those circumstances where a Communications Service Provider, Wireless Infrastructure Provider or Pass-through Provider's use of the Public Rights-of-way is impaired by strict application of the requirements of this Article.

Objective design standards provided in Section 16-107 and Section 16-203 may be waived by the County Engineer.

(b) A request for a waiver shall be filed contemporaneously with the Permit application. The request for waiver shall contain each Section or subsection for which a waiver is being sought. A request for a waiver shall include the following information:

- (1) A detailed explanation, with supporting engineering or other data, as to why a waiver from the requirements of this Article is required, including a detailed explanation addressing the relevant criteria to be considered by the County Engineer as provided in subsection (c);
- (2) Design of the proposed At-grade Facility or Utility Pole, with particular reference to achieving compatibility with the Surrounding Neighborhood and eliminating adverse visual impacts on the Surrounding Neighborhood; and
- (3) Any other information the County Engineer may reasonably require to process the request for waiver.

(c) The County Engineer shall consider the following criteria when determining whether to grant or deny a Permit:

- (1) Any special conditions and circumstances affecting the proposed site which prevent compliance with the Section or subsection for which a waiver is being sought;
- (2) The compatibility of the proposed waiver Communications Facility with Adjacent Properties and the Surrounding Neighborhood;
- (3) If there is an excessive expense associated with compliance with the Section or subsection for which a waiver is being sought; or
- (4) If the proposed waiver preserves to the County flexibility in its management of the Public Rights-of-way.

(d) In granting any waiver, the County Engineer may impose conditions to the extent the County Engineer concludes such conditions are necessary to minimize any adverse effects of the proposed Communications Facility or Utility Pole on the Surrounding Neighborhood, or to protect the health, safety and welfare of the public.

(e) The County Engineer shall grant or deny a request for a waiver within forty-five (45) days after receiving the request for waiver. Should a request for waiver, and ultimately a Permit, be denied by the County Engineer, the denial of the waiver may be appealed in conjunction with an appeal of the Permit denial in accordance with Section 16-110.

Division 3. Wireless Facility Standards

Sec. 16-300. Applicability.

This Division shall apply to any Person who seeks to Construct, Place, install, Maintain or operate a Wireless Facility in the Public Rights-of-Way, unless otherwise exempt by operation of Applicable Codes or State or Federal laws or regulations. This Division shall not apply to Wireless Communications Facilities owned by a Person, including the County or electric cooperative, to the extent such facilities are utilized on an internal, non-commercial basis by said Person.

This Article is intended to implement the Advanced Wireless Infrastructure Deployment Act, Section 337.401(7), F.S. In the event the Advanced Wireless Infrastructure Deployment Act, Section 337.401(7), F.S., is repealed, amended, or overturned by a court of competent jurisdiction, in whole or in part, provisions of this Article may no longer apply, in which case pending and future applications for Wireless Facilities and Utility Poles intended to support the Collocation of Small Wireless Facilities in the Public Rights-of-way, will be governed by applicable law.

Sec. 16-301. Wireless Facilities Allowed in the Public Rights-of-way.

(a) Subject to the requirements of this Article, only the following Wireless Facilities may be Placed or Maintained within the Public Rights-of-way:

(1) Small Wireless Facilities Collocated on Existing Structures or collocated on new Utility Poles intended to support the Collocation of Small Wireless Facilities; and

(2) Micro Wireless Facilities suspended on cable strung between Existing Structures.

(b) Wireless Support Structures are not permitted within the Public Rights-of-way. Wireless Support Structures shall comply with Section 10-6.812, as applicable.

(c) Wireless Facilities shall not be permitted in the Public Rights-of-way except as permitted in this Article, unless otherwise permitted by applicable State or federal laws or regulation.

(d) The approval of the installation, Construction, Placement, Maintenance, or operation of a Small Wireless Facility pursuant to this Article does not authorize the provision of any voice, data, or video communications services or the installation, Placement, Maintenance, or operation of any Communications Facilities other than Small Wireless Facilities in the Public Rights-of-way.

Sec. 16-302. Permit Requirements; Application; Review Timeframes.

(a) *Permit Required.* A Registrant shall not commence to Place or Maintain a Wireless Facility in the Public Rights-of-way until all applicable Permits have been issued by the County, except for Limited Work as provided in subsection (b), unless otherwise authorized by Applicable Codes or State or federal laws or regulations. A Registrant may submit a Consolidated Permit Application and receive a single Permit for the Collocation of up to thirty (30) Small Wireless Facilities. The Registrant acknowledges that as a condition of granting Permits, the County may impose reasonable conditions governing the Placement or Maintenance of a Wireless Facility in the Public Rights-of-

way as set forth in Section 337.401, F.S., as amended. Permits shall apply only to the areas of the Public Rights-of-way specifically identified in the Permit.

(b) *Permit Not Required.*

(1) A Registrant shall be allowed to perform Limited Work within the Public Rights-of-way without first obtaining a Permit if such proposed Limited Work does not involve excavation or the closure of a vehicle lane. As used in this section, the term *Limited Work* shall mean:

- a. Routine maintenance;
- b. Replacement of an existing Wireless Facility with a Wireless Facility that is substantially similar or of the same or smaller size; or
- c. Installation, Placement, Maintenance, or replacement of a Micro Wireless Facility that is suspended on cable strung between Existing Structures in compliance with Applicable Codes by or for a Communications Services Provider authorized to occupy the Public Rights-of-way and who is remitting Communications Services Tax. At least fourteen (14) days prior to commencing work involving a Micro Wireless Facility, the Registrant shall submit a certification of the Micro Wireless Facility's dimensions to the County for review. If the Micro Wireless Facility's dimensions exceed the proper dimensions, then the County shall notify the Registrant that the Limited Work is not permitted and the Registrant shall apply for the proper Permit to perform work in the Public Rights-of-way. The County Engineer, at his or her sole discretion, may waive this requirement.

(2) Prior to performing any Limited Work, a Registrant shall provide reasonable advance written notice to the County identifying the areas where such maintenance will occur, scope of maintenance, date(s) and duration of work to be performed. If any Limited Work requires the closure of a vehicle lane, a lane closure Permit shall be required.

(3) A Registrant shall be allowed to perform Emergency Maintenance within the Public Rights-of-way without first obtaining a Permit. However, a Registrant shall provide prompt notice to the County of the Emergency Maintenance and, within fifteen (15) days of completing the Emergency Maintenance, apply for a Permit if such activity required a Permit under this Article. As used in this Section, the term *Emergency Maintenance* means the repair or replacement of a Wireless Facility as a result of a condition that affects the public health, safety or welfare, which includes an unplanned out-of-service condition of a preexisting service.

(4) The County Engineer may cause an immediate stop work order where any Limited Work poses a serious threat to the health, safety or welfare of the public until such time as such serious threat has been abated.

(c) *Presubmittal Conference.* Prior to submitting a Permit application, the Applicant is strongly encouraged to schedule a presubmittal conference with the County.

(d) *Permit Application.* As part of any Permit application to Place or Maintain a Small Wireless Facility or in the Public Rights-of-way, the Registrant shall provide a Permit application or Consolidated Permit Application that sets forth, at a minimum, the following:

(1) *Engineering plan.* An engineering plan signed and sealed by a Florida licensed professional engineer, that includes:

- a. The type of proposed Wireless Facility including the dimensions, volume, height, footprint, and stealth design and concealment features of the proposed Small Wireless Facility, and location of the proposed Small Wireless Facility, including whether the proposed Small Wireless Facility is proposed within a location subject to restrictions pursuant to Section 16-304(e)(1);
- b. The type of Existing Structure, Repurposed Structure, or Utility Pole intended to support the Collocation of the Small Wireless Facility, including supporting documentation that the structure can support the additional load of the proposed Small Wireless Facility;
- c. The distance of the proposed Small Wireless Facility, including ground-mounted equipment, and nearby pavement, sidewalks, driveways, ramps, trees, underground Utilities and other above-grade and below-grade structures and Utilities;
- d. The Global Positioning System (GPS) coordinates of the proposed Small Wireless Facility. The GPS coordinates shall be based on the reading from a handheld mobile GPS unit set to Datum NAD 83 or WGS84. GPS coordinates based on Google Earth or similar application may be used where areas of shading occur due to overhead canopy. GPS Coordinates shall be provided in decimal degrees at a six (6) decimal point precision;
- e. Sufficient specificity demonstrating compliance with the Florida Building Code and other Applicable Codes, including but not limited to the National Electric Safety Code;
- f. Within a fifty (50) foot radius, a sketch showing pavement, sidewalks, driveways, ramps, trees, underground Utilities, and other above-grade and below-grade structures and facilities located within the Public Rights-of-way; and
- g. Trees and landscaping to be removed or impacted upon the Placement or Maintenance of the proposed Small Wireless Facility. The Placement or Maintenance of a Small Wireless Facility that results in the Tree Removal of a Protected Tree within the Canopy Road Tree Protection Zones shall provide additional information and documentation in accordance with Sections 10-4.206(b)(2) and 10-4.206(c)(1). The Placement or Maintenance of a Small Wireless Facility that results in the Tree Removal of a Protected Tree outside of the Canopy Road Tree Protection Zone shall provide additional information and documentation in accordance with Section 10-4.206(c)(1).

(2) *Description of installation or Construction.* The Applicant shall provide a description of the manner in which the Small Wireless Facility will be Placed or Maintained (i.e.

anticipated Construction methods or techniques).

- (3) *Pole attachment agreement.* For Collocations on Private Utility Poles, the Applicant shall provide a copy of a valid pole attachment agreement for the Collocation of the proposed Small Wireless Facility. In lieu of providing the complete pole attachment agreement between the owner of the Private Utility Pole and Applicant, the Applicant may provide the first page of such agreement and the signature page or a notarized letter of authorization from the owner of the Private Utility Pole, providing adequate identifying information, acceptable to the County, and indicating the Applicant is authorized to Collocate on the identified Private Utility Pole.
- (4) *Stealth design.* The Applicant shall provide a description of stealth design to be utilized pursuant to Section 16-304(b).
- (5) *Temporary sidewalk closure plan.* The Applicant shall provide a temporary sidewalk closure plan, if appropriate, to accommodate Placement or Maintenance of the Small Wireless Facility.
- (6) *Temporary maintenance of traffic (MOT) plan.* The Applicant shall provide a temporary traffic lane closure and maintenance of traffic (MOT) plan, if appropriate, to accommodate Placement or Maintenance of the Small Wireless Facility.
- (7) *Restoration plan and estimate cost of restoration of the Public Rights-of-way.* If applicable, a restoration plan and a good faith estimate of the cost of restoration of the Public Rights-of-way. Such good faith estimate shall be accepted by the County unless the County Engineer determines such estimated costs are not representative of the actual costs of the restoration of the Public Rights-of-way. Estimates of the cost to restore the Public Rights-of-way shall include all costs necessary to restore the Public Rights-of-way to its original condition. Such good faith estimate may include, but shall not be limited to, costs to restore the paving, curbs/gutters, sidewalks, multi-purpose trails, and landscaping. All planted or naturally occurring shrubbery or vegetation, including sod, damaged or destroyed during work in the Public Rights-of-way shall be replaced, except Tree Removals as allowed by the Permit.
- (8) *Timetable for Construction or installation.* The timetable for Placement or Maintenance of the proposed Small Wireless Facility or each phase of the Placement or Maintenance thereof.
- (9) *Indemnification.* A statement shall be included within the Permit application that by execution of the application, the Registrant shall be bound to the County with respect to the indemnification provisions set forth in Section 16-112 .
- (10) *Airport airspace protection.* Applicant shall comply with Chapter 333, F.S., and all State and federal laws and regulations pertaining to airport airspace protections.
- (e) *Application review timeframes.* An application for a Permit for a Small Wireless Facility

within the Public Rights-of-way shall be reviewed by the County as follows:

- (1) *Notice of application deficiency.* Within fourteen (14) days after the date of filing an application, unless the timeframe is mutually extended, for the Collocation of a Small Wireless Facility, the County Engineer shall determine whether the application is complete. If an application is deemed incomplete, the County Engineer shall notify the Applicant by electronic mail and specifically identify the missing information. An application shall be deemed complete if the County Engineer fails to notify the Applicant otherwise within fourteen (14) days after the date of filing the application.
- (2) *Request for alternative location.* Within fourteen (14) days after the date of filing the application for Collocation of a Small Wireless Facility, the County Engineer may request that the proposed location of the Small Wireless Facility be moved to another location and be placed on another Existing Structure or by placing a new Utility Pole intended to support Small Wireless Facilities. The County and Applicant may negotiate the alternative location, including objective design standards and reasonable spacing requirements for ground-mounted equipment for thirty (30) days after the County submits the request. The Applicant shall notify the County of its acceptance or rejection within this thirty (30) day negotiating period. If the Applicant accepts the alternative location, the application shall be deemed granted for the agreed-upon alternative location and all other locations in the application. If the requested alternative location is rejected by the Applicant, the County Engineer shall approve or deny the original application within ninety (90) days after the date the application was filed.
- (3) *Application review period.* Within sixty (60) days after the date of filing an application for the Collocation of a Small Wireless Facility, the County Engineer shall approve or deny the application. If the County Engineer does not submit a request for an alternate location as provided in subsection (2), the County Engineer and the Applicant may mutually agree to extend the sixty (60) day application review period.
- (4) *Notice of denial; resubmission.* Should the application be denied, the County Engineer shall notify the Applicant by electronic mail on the day the application is denied and specify in writing the basis for denial, including the specific Code provisions on which the denial is based. The Applicant may cure the deficiencies identified by the County Engineer and resubmit the application within thirty (30) days after the notice of denial is sent. The County Engineer shall approve or deny the revised application within thirty (30) days after the date of filing the application. Any subsequent review shall be limited to the deficiencies cited in the notice of denial. A denial of a Permit may be appealed pursuant to Section 16-110.
- (5) *Consolidated Permit Applications.* The County may separately address each proposed Collocated Small Wireless Facility for which incomplete information has been received or which are denied.
- (6) *Deemed approved.* Prior to commencing Construction, a Person with a deemed

approved Permit must be registered pursuant to Section 16-103 including providing insurance upon Registration, and file a performance bond and security fund with the County pursuant to this Article.

Sec. 16-303. Small Wireless Facility Collocation Permit Conditions.

(a) The County Engineer may deny a proposed Collocation of a Small Wireless Facility in the Public Rights-of-way if the proposed Collocation:

- (1) Materially interferes with the safe operation of traffic control equipment;
- (2) Materially interferes with sight lines or clear zone standards and specifications for transportation, pedestrians, or public safety purposes as provided in the Florida Department of Transportation Plans Preparation Manual, Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (the Florida Greenbook), and/or the Florida Department of Transportation Design Standards, as amended;
- (3) Materially interferes with compliance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101, et seq, or similar federal or State standards regarding pedestrian access or movement;
- (4) Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual; or
- (5) Fails to comply with Applicable Codes governing Placement or Maintenance of Small Wireless Facilities within the Public Rights-of-way, including the General Permit Conditions in Section 16-107 and the Objective Design Standards in Section 16-304.

(b) A Permit for the Collocation of a Small Wireless Facility shall remain effective for and Construction must be completed within one (1) year. The County Engineer may extend the expiration date of the Permit for good cause.

(c) A Permit application for a Repurposed Structure or a Utility Pole intended to support the Collocation of Small Wireless Facilities shall be submitted prior to or contemporaneously with a Permit application for a Small Wireless Facility.

Sec. 16-304. Objective Design Standards

(a) *Purpose and intent.* Small Wireless Facilities shall be designed in such a manner that the Small Wireless Facilities are Placed in a safe location that do not interfere with the traveling public, and shall be designed to maximize compatibility with the Surrounding Neighborhood and to minimize any negative visual impact on the Surrounding Neighborhood. The following objective design standards regulating the location context, color, stealth design, and concealment of the proposed Small Wireless Facility shall apply, unless waived pursuant to Section 16-305.

(b) *Stealth design.* All proposed Small Wireless Facilities shall meet one of the following stealth design standards.

- (1) Preferred stealth design option 1: No exposed wires or cables; the use of Shrouds; the use of a slim design wherein the top mounted Antenna does not exceed the diameter of the supporting Utility Pole at the level of the Antenna attachment and side-mounted enclosures, if any, do not extend more than thirty (30) inches beyond the exterior dimensions of the supporting Utility Pole measured from the edge of the Utility Pole to the outermost surface of the side-mounted enclosure.
- (2) Preferred stealth design option 2: No exposed wires or cables; the use of Shrouds; and the use of a street light fixture to camouflage the Small Wireless Facility. All street light fixtures shall be maintained in good working order by the Applicant or pole owner unless the County accepts maintenance responsibility in writing. If the County accepts the maintenance responsibility of a street light fixture on an Authority Utility Pole, the ownership of the street light fixture shall transfer to the County. All street light fixtures shall be of similar style and of similar lighting technology as nearby lighting fixtures (halogen, LED, etc.) and shall utilize dark-sky friendly lighting.
- (3) Preferred stealth design option 3: No exposed wires or cables; the use of Shrouds; and the use of Wraps on the supporting structure, side mounted enclosures, and/or ground-mounted equipment. An Applicant may propose a Wrap design not previously approved by the County by applying for and obtaining a waiver pursuant to Section 16-305. Wraps shall be maintained by the Applicant such that the Wrap does not peel or significantly fade.

(c) *Concealment.* The following concealment standards shall apply to proposed Small Wireless Facilities.

- (1) Applicants shall not place or maintain Signage on Communications Facilities in the Public Rights-of-way, unless otherwise required by applicable State or federal laws or regulations, or as permitted by the County.
- (2) A Small Wireless Facility shall not have any type of lighted signal, lights, or illuminations unless required by applicable State or federal laws or regulations or as permitted by the County.
- (3) Ground-mounted equipment for Small Wireless Facilities shall be located within a ten (10) foot radius of the supporting structure for the Small Wireless Facility and, if possible, in areas with existing foliage or other aesthetic features to obscure the view of the ground-mounted equipment. The ground-mounted equipment shall be designed to appear similar to other at-grade facilities in the same Public Rights-of-way and may be further concealed with additional plantings. Any additional plantings proposed pursuant to this subsection shall be approved by the County. An Applicant may also utilize a Wrap for At-grade Facilities. An Applicant may propose a Wrap design not previously approved by the County by applying for and obtaining a waiver pursuant to

Section 16-204. Wraps shall be maintained by the Applicant such that the Wrap does not peel or significantly fade.

(d) *Maximum height restrictions.* A Small Wireless Facility, including any attached Antennas, shall not exceed ten (10) feet above the Existing Structure, Repurposed Structure or Utility Pole upon which the Small Wireless Facility is to be Collocated.

(e) *Location context.* The following location context standards shall apply to proposed Small Wireless Facilities.

(1) *Prohibition against Placement within a location subject to Homeowners' Association restrictions.* Small Wireless Facilities shall not be Collocated in a location subject to covenants, restrictions, articles of incorporation, or bylaws of a Homeowners' Association unless specifically authorized by the Homeowners' Association. This subsection shall not limit the installation, Placement, Maintenance, or replacement of Micro Wireless Facilities on any existing and duly authorized aerial Wireline Facility.

(2) *Prohibition against Placement in location where facilities are placed underground.* Small Wireless Facilities shall comply with nondiscriminatory undergrounding requirements of the County that prohibit aboveground structures in the Public Rights-of-way. Any such requirements may be waived by the County pursuant to Section 16-305.

(3) *Tree Removal.* The Placement or Maintenance of a Small Wireless Facility that results in the Tree Removal of a Protected Tree within the Canopy Road Tree Protection Zones shall comply with the conditions outlined in Section 10-4.206(b)(5), as determined by the Development Review Committee, and abide by the tree replanting requirements in Section 10-4.364(b). The Placement or Maintenance of a Small Wireless Facility that results in the Tree Removal of a Protected Tree that is not within the Canopy Road Tree Protection Zones shall comply with the conditions outlined in Section 10-4.364(a) and abide by the tree replanting requirements in Section 10-4.364(b). Notwithstanding any other Code, the County Engineer shall determine if the proposed Tree Removal meets the conditions of Section 10-4.364(a) and the tree replanting requirements in 10-4.364(b). Tree Removal is not permitted within the Public Rights-of-way to increase signal strength or provide a line-of-sight.

(4) *Prohibition against Placement in violation of OSHA or NESC rules and regulations.* Small Wireless Facilities shall not be placed in a location which violates rules and regulations set by the Occupational Safety and Health Administration or the National Electric Safety Code.

Sec. 16-305. Waiver of Objective Design Standards for Small Wireless Facilities.

(a) Objective design standards provided in Section 16-107 and Section 16-304 may be waived by the County Engineer upon a showing that the objective design standards are not reasonably compatible for the particular location of a Small Wireless Facility or that the objective design

standards impose an excessive expense.

(b) A request for a waiver shall be filed contemporaneously with the Permit application. The request for waiver shall contain each Section or subsection for which a waiver is being sought. A request for a waiver shall include a detailed explanation, with supporting engineering or other data, as to why a waiver from the requirements of this Article is required.

(c) In granting any waiver, the County Engineer may impose conditions to the extent the County Engineer concludes such conditions are necessary to minimize any adverse effects of the proposed Small Wireless Facility on the Surrounding Neighborhood or to protect the health, safety and welfare of the public.

(d) The County Engineer shall grant or deny a request for a waiver within forty-five (45) days after receiving the request for waiver. Should a request for waiver, and ultimately a Permit, be denied by the County Engineer, the denial of the waiver may be appealed in conjunction with an appeal of the Permit denial in accordance with Section 16-110.

Sec. 16-306. Make-Ready Work.

(a) For an Authority Utility Pole that supports aerial Wireline Facility used to provide Communications Services or electric service, the County, Communications Services Provider, Wireless Infrastructure Provider, and Pass-through Provider shall comply with the process for make-ready work under 47 U.S.C. § 224, as amended, and implementing regulations. The good faith estimate of the Person owning or controlling the pole for any make-ready work necessary to enable the pole to support the requested Collocation must include pole replacement if necessary.

(b) For an Authority Utility Pole that does not support aerial Wireline Facility used to provide Communications Services or electric service, the County shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested Collocation, including necessary pole replacement, within sixty (60) days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within sixty (60) days after the written acceptance of the good faith estimate by the Applicant. Alternatively, the County may require the Applicant seeking to Collocate a Small Wireless Facility to provide a make-ready estimate at the Applicant's expense for the work necessary to support the Small Wireless Facility, including pole replacement, and perform the make-ready work.

(c) If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a Utility Pole that is substantially similar in color and composition. The County may not condition or restrict the manner in which the Applicant obtains, develops, or provides the estimate or conducts make-ready work subject to the usual construction restoration standards for work in the Public Rights-of-way. The replaced or altered Utility Pole shall remain the property of the County.

Section 16-307. Collocation Fees.

The rate to Collocate a Small Wireless Facility on an Authority Utility Pole shall be \$150 per pole

1 annually. Annual payments shall be due and payable on April 1 of each year. If the payments
2 required by this Section are not made within ninety (90) days after the due date, the County Engineer
3 may withhold the issuance of any Permits to the Registrant until the amount past due is paid in full.
4

5 **SECTION 4.** Section 10-6.812 of the Code of Laws of Leon County, Florida, entitled
6 “Communication Antennas and Communication Antenna Support Structures” is amended to read as
7 follows:
8

9 (a) Applicability. Purpose and intent. This section is applicable to communication antennas and
10 communication antenna support structures within the unincorporated area of Leon County and sited or
11 proposed to be sited on property that is located outside of the public rights-of-way. Communication antennas
12 and communication antenna support structures sited or proposed to be sited within the public rights-of-way
13 must comply with the requirements of Chapter 16, Article V of the Leon County Code of Laws. The
14 regulations and requirements of this section are intended to:
15

- 16 (1) Promote the public health, safety and general welfare by regulating the siting of
17 wireless communication facilities;
- 18 (2) Accommodate the growing need and demand for wireless communication services;
- 19 (3) Provide for the appropriate location and development of wireless communication
20 facilities within the county and recognize that the provision of wireless services may
21 be an essential service within such land use categories as may be provided for under
22 the Comprehensive Plan, subject to the limitations of this section;
- 23 (4) Minimize adverse visual effects of wireless communication antenna support structures
24 through careful design, siting, landscape screening and innovative camouflaging
25 techniques;
- 26 (5) Encourage the location and collocation of antennas on existing structures thereby
27 minimizing new visual impacts and reducing the need for additional communication
28 antenna support structures; and
- 29 (6) Further the balance between the need to provide for certainty to the communications
30 industry in the placement of wireless communication facilities and the need to provide
31 certainty to the residents and citizens that the aesthetic integrity of the county will be
32 protected from the proliferation of unnecessary communication antenna support
33 structures.

34 ***
35

36 **SECTION 5. Severability.** If any provisions or portion of this Ordinance is declared by any court
37 of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions
38 and portions of this Ordinance shall remain in full force and effect.
39

40 **SECTION 6. Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this
41 ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with
42 the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which provisions shall prevail
43 over any parts of this ordinance which are inconsistent, either in whole or in part, with the said
44 Comprehensive Plan.
45

46 **SECTION 7. Effective Date.** This ordinance shall be effective according to law.

1
2
3
4 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,
5 Florida this _____ day of _____, 2017.
6
7

8 LEON COUNTY, FLORIDA
9

10
11 By: _____
12 John E. Dailey, Chairman
13 Board of County Commissioners
14
15

16 ATTESTED BY:
17 Gwendolyn Marshall, Clerk of Court
18 & Comptroller
19 Leon County, Florida
20
21

22 By: _____
23
24

25 APPROVED AS TO FORM:
26 Leon County Attorney's Office
27
28

29 By: _____
30 Herbert W. A. Thiele, Esq.
31 County Attorney

RESOLUTION NO. R17-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, EXTENDING BY ANOTHER 120 DAYS THE TEMPORARY CESSATION OF THE ACCEPTANCE OF PERMIT APPLICATIONS FOR THE PLACEMENT, CONSTRUCTION OR INSTALLATION OF WIRELESS COMMUNICATION STRUCTURES AND/OR FACILITIES IN COUNTY RIGHTS-OF-WAY PENDING REVISION OF THE COUNTY'S CODE TO ADDRESS THE PLACEMENT, CONSTRUCTION AND INSTALLATION OF THESE STRUCTURES AND/OR FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted Resolution 16-41 on December 13, 2016, and Resolution 17-08 on May 9, 2017, establishing a temporary cessation of the acceptance of permit application for the placement, construction or installation of wireless communication structures and/or facilities in the County's rights-of-way;

WHEREAS, the moratorium imposed by Resolutions 16-41 and 17-08 is set to expire on October 12, 2017;

WHEREAS, the Board of County Commissioners deems it to be in the best interests of the health, public safety, and welfare of the citizens and residents of the County to temporarily cease the acceptance of applications for permits to place, construct or install wireless communication structures and/or facilities in the County's rights-of-way by an additional 120 days for the same reasons and intent as provided in Resolution 16-41;

WHEREAS, a temporary cessation of the acceptance of applications for permits to place, construct or install wireless communication structures and/or facilities in the County's

rights-of-way by an additional 120 days will enable the County's staff to further study and review the regulatory requirements for such structures and/or facilities;

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

1. The County shall cease the acceptance of applications for permits to place, construct or install wireless communication structures and/or facilities in the County's rights-of-way and the County shall not issue any permit or development order for wireless communication structures and/or facilities in the County's rights-of-way until one of the following first occurs:

- (a) The Board of County Commissioners adopts amendments to the Code of Laws of Leon County to provide sufficient regulations and standards for the placement, construction or installation of wireless communication structures and/or facilities in the County's rights-of-way; or
- (b) 12:00 a.m. on Thursday, February 8, 2018; or
- (c) The Board rescinds this Resolution.

2. The County Administrator, or designee, and the County Attorney, or designee, are hereby directed to develop such ordinances as may be required to ensure that the Code of Laws of Leon County provides sufficient regulations and standards for processing applications to place, construct or install wireless communications structures and/or facilities, such as Distributed Antenna Systems (DAS) and "small cell" systems, in the County's rights-of-way, so as to facilitate the provision of effective wireless communications services to the County's citizens and businesses while also ensuring the safety, aesthetic, financial and infrastructure planning needs of the County.

3. This Resolution shall not restrict or prohibit communication antennas and communication antenna support structures from being constructed on lands not within the County's rights-of-way, in accordance with Section 10-6.812 of the Code of Laws of Leon County.

4. If any provision or portion of this Resolution is held invalid, same shall be severable, and the remainder of the Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision.

5. This Resolution shall have effect upon adoption.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this ____ day of _____, 2017.

LEON COUNTY, FLORIDA

By: _____
John E. Dailey, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall, Clerk of Court
& Comptroller
Leon County, Florida

By: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

By: _____
Herbert W. A. Thiele, Esq.
County Attorney

RESOLUTION NO. R16- 41

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ESTABLISHING A TEMPORARY CESSATION OF THE ACCEPTANCE OF PERMIT APPLICATIONS FOR THE PLACEMENT, CONSTRUCTION OR INSTALLATION OF WIRELESS COMMUNICATION STRUCTURES AND/OR FACILITIES IN COUNTY RIGHTS-OF-WAY PENDING REVISION OF THE COUNTY'S CODE TO ADDRESS THE PLACEMENT, CONSTRUCTION AND INSTALLATION OF THESE STRUCTURES OR FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Leon County owns and/or controls and manages lands designated as rights-of-way; and

WHEREAS, governmental rights-of-way have traditionally been utilized for, among other uses, the placement of public and private utility systems and structures so as to facilitate the delivery of utility services and maintenance of utility systems; and

WHEREAS, Chapter 16 of the Code of Laws of Leon County contains the County's current provisions pertaining to streets, roads and public ways; and

WHEREAS, Section 10-6.812 of the Code of Laws of Leon County provides regulations and requirements pertaining to communication antennas and communication antenna support structures, but does not apply to government-owned property; and

WHEREAS, new technologies in the provision of wireless communications services are emerging, such as Distributed Antenna Systems (DAS) and "small cell" systems, which may entail requests to place smaller and more numerous communication structures and/or facilities in public rights-of-way in order to improve wireless connectivity and coverage; and

WHEREAS, the Code of Laws of Leon County does not contemplate nor address these new technologies that have developed in the rapidly changing telecommunications

industry, as traditionally these types of structures and facilities have not been installed in the County's rights-of-way; and

WHEREAS, the Board of County Commissioners of Leon County hereby finds that the County's rights-of-way are a limited and vital resource which must be properly and safely managed for current, as well as future, utility needs; and

WHEREAS, Section 704(a) of the Telecommunications Act of 1996, codified at 47 U.S.C. § 332(c)(7), preserves state and local authority over decisions concerning the placement, construction, and modification of personal wireless service facilities, provided the regulations do not unreasonably discriminate among providers of functionally equivalent services, and do not prohibit, or have the effect of prohibiting, the provision of personal wireless services; and

WHEREAS, Section 337.401, Florida Statutes grants local governments the authority to prescribe and enforce reasonable, non-discriminatory rules and regulations regarding the placement of telephone, telegraph, or other communication service lines or poles within the rights-of-way; and

WHEREAS, the Board of County Commissions deems it to be in the best interests of the health, public safety, and welfare of the citizens and residents of the County to temporarily cease the acceptance of applications for permits to place, construct or install wireless communication structures and/or facilities in the County's rights-of-way; and

WHEREAS, a temporary cessation of the acceptance of applications for permits to place, construct or install wireless communication structures and/or facilities in the County's rights-of-way will enable the County's staff to properly study the regulatory requirements for such structures and/or facilities;

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

1. The County shall cease the acceptance of applications for permits to place, construct or install wireless communication structures and/or facilities in the County's rights-of-way and the County shall not issue any permit or development order for wireless communication structures and/or facilities in the County's rights-of-way until one of the following first occurs:

- (a) The Board of County Commissioners adopts amendments to the Code of Laws of Leon County to provide sufficient regulations and standards for the placement, construction or installation of wireless communication structures and/or facilities in the County's rights-of-way; or
- (b) 12:00 a.m. on Wednesday, June 14, 2017; or
- (c) The Board rescinds this Resolution.

2. The County Administrator, or designee, and the County Attorney, or designee, are hereby directed to develop such ordinances as may be required to ensure that the Code of Laws of Leon County provides sufficient regulations and standards for processing applications to place, construct or install wireless communications structures and/or facilities, such as Distributed Antenna Systems (DAS) and "small cell" systems, in the County's rights-of-way, so as to facilitate the provision of effective wireless communications services to the County's citizens and businesses while also ensuring the safety, aesthetic, financial and infrastructure planning needs of the County.

3. This Resolution shall not restrict or prohibit communication antennas and communication antenna support structures from being constructed on lands not within the

County's rights-of-way, in accordance with Section 10-6.812 of the Code of Laws of Leon County.

4. If any provision or portion of this Resolution is held invalid, same shall be severable, and the remainder of the Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision.

5. This Resolution shall have effect upon adoption.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 13th day of December, 2016.



LEON COUNTY, FLORIDA

By: _____

John E. Dailey
John E. Dailey, Chairman
Board of County Commissioners

ATTESTED BY:

Gwendolyn Marshall, Clerk of Court & Comptroller
Leon County, Florida

By: *Gwendolyn Marshall*

APPROVED AS TO FORM:
Leon County Attorney's Office

By: *Herbert W. A. Thiele*
Herbert W. A. Thiele, Esq.
County Attorney

RESOLUTION NO. R17- 08

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, EXTENDING BY 120 DAYS THE TEMPORARY CESSATION OF THE ACCEPTANCE OF PERMIT APPLICATIONS FOR THE PLACEMENT, CONSTRUCTION OR INSTALLATION OF WIRELESS COMMUNICATION STRUCTURES AND/OR FACILITIES IN COUNTY RIGHTS-OF-WAY PENDING REVISION OF THE COUNTY'S CODE TO ADDRESS THE PLACEMENT, CONSTRUCTION AND INSTALLATION OF THESE STRUCTURES AND/OR FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted Resolution 16-41 on December 13, 2016, establishing a temporary cessation of the acceptance of permit application for the placement, construction or installation of wireless communication structures and/or facilities in the County's rights-of-way;

WHEREAS, the moratorium imposed by Resolution 16-41 is set to expire on June 14, 2017;

WHEREAS, the Board of County Commissioners deems it to be in the best interests of the health, public safety, and welfare of the citizens and residents of the County to temporarily cease the acceptance of applications for permits to place, construct or install wireless communication structures and/or facilities in the County's rights-of-way by an additional 120 days for the same reasons and intent as provided in Resolution 16-41;

WHEREAS, a temporary cessation of the acceptance of applications for permits to place, construct or install wireless communication structures and/or facilities in the County's rights-of-way by an additional 120 days will enable the County's staff to properly study the regulatory requirements for such structures and/or facilities;

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

1. The County shall cease the acceptance of applications for permits to place, construct or install wireless communication structures and/or facilities in the County's rights-of-way and the County shall not issue any permit or development order for wireless communication structures and/or facilities in the County's rights-of-way until one of the following first occurs:

- (a) The Board of County Commissioners adopts amendments to the Code of Laws of Leon County to provide sufficient regulations and standards for the placement, construction or installation of wireless communication structures and/or facilities in the County's rights-of-way; or
- (b) 12:00 a.m. on Thursday, October 12, 2017; or
- (c) The Board rescinds this Resolution.

2. The County Administrator, or designee, and the County Attorney, or designee, are hereby directed to develop such ordinances as may be required to ensure that the Code of Laws of Leon County provides sufficient regulations and standards for processing applications to place, construct or install wireless communications structures and/or facilities, such as Distributed Antenna Systems (DAS) and "small cell" systems, in the County's rights-of-way, so as to facilitate the provision of effective wireless communications services to the County's citizens and businesses while also ensuring the safety, aesthetic, financial and infrastructure planning needs of the County.

3. This Resolution shall not restrict or prohibit communication antennas and communication antenna support structures from being constructed on lands not within the

County's rights-of-way, in accordance with Section 10-6.812 of the Code of Laws of Leon County.

4. If any provision or portion of this Resolution is held invalid, same shall be severable, and the remainder of the Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision.

5. This Resolution shall have effect upon adoption.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 9th day of May, 2017.



LEON COUNTY, FLORIDA

By: _____

John E. Dailey, Chairman
Board of County Commissioners

ATTESTED BY:

Gwendolyn Marshall, Clerk of Court
& Comptroller
Leon County, Florida

By: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

By: _____

Herbert W. A. Thiele, Esq.
County Attorney

CHAPTER 2017-136

Committee Substitute for Committee Substitute for House Bill No. 687

An act relating to utilities; amending s. 337.401, F.S.; authorizing the Department of Transportation and certain local governmental entities to prescribe and enforce rules or regulations regarding the placing and maintaining of certain voice or data communications services lines or wireless facilities on certain rights-of-way; providing a short title; providing definitions; prohibiting an authority from prohibiting, regulating, or charging for the collocation of small wireless facilities in public rights-of-way under certain circumstances; authorizing an authority to require a registration process and permit fees under certain circumstances; requiring an authority to accept, process, and issue applications for permits subject to specified requirements; prohibiting an authority from requiring approval or requiring fees or other charges for routine maintenance, the replacement of certain wireless facilities, or the installation, placement, maintenance, or replacement of certain micro wireless facilities; providing an exception; providing requirements for the collocation of small wireless facilities on authority utility poles; providing requirements for rates, fees, and other terms related to authority utility poles; authorizing an authority to apply current ordinances regulating placement of communications facilities in the right-of-way for certain applications; requiring an authority to waive certain permit application requirements and small wireless facility placement requirements; prohibiting an authority from adopting or enforcing any regulation on the placement or operation of certain communications facilities and from regulating any communications services or imposing or collecting any tax, fee, or charge not specifically authorized under state law; providing construction; requiring a wireless provider to comply with certain nondiscriminatory undergrounding requirements of an authority; authorizing the authority to waive any such requirements; authorizing a wireless infrastructure provider to apply to an authority to place utility poles in the public rights-of-way to support the collocation of small wireless facilities; providing application requirements; requiring the authority to accept and process the application subject to certain requirements; providing construction; authorizing an authority to enforce certain local codes, administrative rules, or regulations; authorizing an authority to enforce certain pending local ordinances, administrative rules, or regulations under certain circumstances, subject to waiver by the authority; providing construction; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (1) of section 337.401, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

1

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)(a) The department and local governmental entities, referred to in this section and in ss. 337.402, 337.403, and 337.404 as the “authority,” that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice telephone, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section and in ss. 337.402, 337.403, and 337.404 as the “utility.” The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).

(7)(a) This subsection may be cited as the “Advanced Wireless Infrastructure Deployment Act.”

(b) As used in this subsection, the term:

1. “Antenna” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

2. “Applicable codes” means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, or local codes or ordinances adopted to implement this subsection. The term includes objective design standards adopted by ordinance that may require a new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment. The term includes objective design standards adopted by ordinance that may require a small wireless facility to meet reasonable location context, color, stealth, and concealment requirements; however, such design standards may be waived by the authority upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense. The waiver shall be granted or denied within 45 days after the date of the request.

3. “Applicant” means a person who submits an application and is a wireless provider.

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4. "Application" means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities.

5. "Authority" means a county or municipality having jurisdiction and control of the rights-of-way of any public road. The term does not include the Department of Transportation. Rights-of-way under the jurisdiction and control of the department are excluded from this subsection.

6. "Authority utility pole" means a utility pole owned by an authority in the right-of-way. The term does not include a utility pole owned by a municipal electric utility, a utility pole used to support municipally owned or operated electric distribution facilities, or a utility pole located in the right-of-way within:

a. A retirement community that:

(I) Is deed restricted as housing for older persons as defined in s. 760.29(4)(b);

(II) Has more than 5,000 residents; and

(III) Has underground utilities for electric transmission or distribution.

b. A municipality that:

(I) Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;

(II) Has a land area of less than 5 square miles;

(III) Has less than 10,000 residents; and

(IV) Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.

7. "Collocate" or "collocation" means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way.

8. "FCC" means the Federal Communications Commission.

9. "Micro wireless facility" means a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.

10. "Small wireless facility" means a wireless facility that meets the following qualifications:

a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas

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that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and

b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

11. "Utility pole" means a pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless an authority grants a waiver for such pole.

12. "Wireless facility" means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;

b. Wireline backhaul facilities; or

c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

13. "Wireless infrastructure provider" means a person who has been certificated to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider.

14. "Wireless provider" means a wireless infrastructure provider or a wireless services provider.

15. "Wireless services" means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

16. "Wireless services provider" means a person who provides wireless services.

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17. "Wireless support structure" means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.

(c) Except as provided in this subsection, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way.

(d) An authority may require a registration process and permit fees in accordance with subsection (3). An authority shall accept applications for permits and shall process and issue permits subject to the following requirements:

1. An authority may not directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or pole space for the authority.

2. An applicant may not be required to provide more information to obtain a permit than is necessary to demonstrate the applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified the application.

3. An authority may not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole.

4. An authority may not limit the placement of small wireless facilities by minimum separation distances. However, within 14 days after the date of filing the application, an authority may request that the proposed location of a small wireless facility be moved to another location in the right-of-way and placed on an alternative authority utility pole or support structure or may place a new utility pole. The authority and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the applicant must notify the authority of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application. If an agreement is not reached, the applicant must notify the authority of such nonagreement and the authority must grant or deny the original application within 90 days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

5. An authority shall limit the height of a small wireless facility to 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated. Unless waived by an authority, the height for a new utility pole

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is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the authority shall limit the height of the utility pole to 50 feet.

6. Except as provided in subparagraphs 4. and 5., the installation of a utility pole in the public rights-of-way designed to support a small wireless facility shall be subject to authority rules or regulations governing the placement of utility poles in the public rights-of-way and shall be subject to the application review timeframes in this subsection.

7. Within 14 days after receiving an application, an authority must determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the authority must specifically identify the missing information. An application is deemed complete if the authority fails to provide notification to the applicant within 14 days.

8. An application must be processed on a nondiscriminatory basis. A complete application is deemed approved if an authority fails to approve or deny the application within 60 days after receipt of the application. If an authority does not use the 30-day negotiation period provided in subparagraph 4., the parties may mutually agree to extend the 60-day application review period. The authority shall grant or deny the application at the end of the extended period. A permit issued pursuant to an approved application shall remain effective for 1 year unless extended by the authority.

9. An authority must notify the applicant of approval or denial by electronic mail. An authority shall approve a complete application unless it does not meet the authority's applicable codes. If the application is denied, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant by electronic mail on the day the authority denies the application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The authority shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.

10. An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities. If the application includes multiple small wireless facilities, an authority may separately address small wireless facility collocations for which incomplete information has been received or which are denied.

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11. An authority may deny a proposed collocation of a small wireless facility in the public rights-of-way if the proposed collocation:

a. Materially interferes with the safe operation of traffic control equipment.

b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.

c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

d. Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual.

e. Fails to comply with applicable codes.

12. An authority may adopt by ordinance provisions for insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. Such provisions must be reasonable and nondiscriminatory.

13. Collocation of a small wireless facility on an authority utility pole does not provide the basis for the imposition of an ad valorem tax on the authority utility pole.

14. An authority may reserve space on authority utility poles for future public safety uses. However, a reservation of space may not preclude collocation of a small wireless facility. If replacement of the authority utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole shall accommodate the future public safety use.

15. A structure granted a permit and installed pursuant to this subsection shall comply with chapter 333 and federal regulations pertaining to airport airspace protections.

(e) An authority may not require approval or require fees or other charges for:

1. Routine maintenance;

2. Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size; or

3. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications

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services provider authorized to occupy the rights-of-way and who is remitting taxes under chapter 202.

Notwithstanding this paragraph, an authority may require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane.

(f) Collocation of small wireless facilities on authority utility poles is subject to the following requirements:

1. An authority may not enter into an exclusive arrangement with any person for the right to attach equipment to authority utility poles.

2. The rates and fees for collocations on authority utility poles must be nondiscriminatory, regardless of the services provided by the collocating person.

3. The rate to collocate small wireless facilities on an authority utility pole may not exceed \$150 per pole annually.

4. Agreements between authorities and wireless providers that are in effect on July 1, 2017, and that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, remain in effect, subject to applicable termination provisions. The wireless provider may accept the rates, fees, and terms established under this subsection for small wireless facilities and utility poles that are the subject of an application submitted after the rates, fees, and terms become effective.

5. A person owning or controlling an authority utility pole shall offer rates, fees, and other terms that comply with this subsection. By the later of January 1, 2018, or 3 months after receiving a request to collocate its first small wireless facility on a utility pole owned or controlled by an authority, the person owning or controlling the authority utility pole shall make available, through ordinance or otherwise, rates, fees, and terms for the collocation of small wireless facilities on the authority utility pole which comply with this subsection.

a. The rates, fees, and terms must be nondiscriminatory and competitively neutral and must comply with this subsection.

b. For an authority utility pole that supports an aerial facility used to provide communications services or electric service, the parties shall comply with the process for make-ready work under 47 U.S.C. s. 224 and implementing regulations. The good faith estimate of the person owning or controlling the pole for any make-ready work necessary to enable the pole to support the requested collocation must include pole replacement if necessary.

c. For an authority utility pole that does not support an aerial facility used to provide communications services or electric service, the authority

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shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation, including necessary pole replacement, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within 60 days after written acceptance of the good faith estimate by the applicant. Alternatively, an authority may require the applicant seeking to collocate a small wireless facility to provide a make-ready estimate at the applicant's expense for the work necessary to support the small wireless facility, including pole replacement, and perform the make-ready work. If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a utility pole that is substantially similar in color and composition. The authority may not condition or restrict the manner in which the applicant obtains, develops, or provides the estimate or conducts the make-ready work subject to usual construction restoration standards for work in the right-of-way. The replaced or altered utility pole shall remain the property of the authority.

d. An authority may not require more make-ready work than is required to meet applicable codes or industry standards. Fees for make-ready work may not include costs related to preexisting damage or prior noncompliance. Fees for make-ready work, including any pole replacement, may not exceed actual costs or the amount charged to communications services providers other than wireless services providers for similar work and may not include any consultant fee or expense.

(g) For any applications filed before the effective date of ordinances implementing this subsection, an authority may apply current ordinances relating to placement of communications facilities in the right-of-way related to registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. Permit application requirements and small wireless facility placement requirements, including utility pole height limits, that conflict with this subsection shall be waived by the authority.

(h) Except as provided in this section or specifically required by state law, an authority may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way by a provider authorized by state law to operate in the rights-of-way and may not regulate any communications services or impose or collect any tax, fee, or charge not specifically authorized under state law. This paragraph does not alter any law regarding an authority's ability to regulate the relocation of facilities.

(i) A wireless provider shall, in relation to a small wireless facility, utility pole, or wireless support structure in the public rights-of-way, comply with nondiscriminatory undergrounding requirements of an authority that prohibit above-ground structures in public rights-of-way. Any such requirements may be waived by the authority.

(j) A wireless infrastructure provider may apply to an authority to place utility poles in the public rights-of-way to support the collocation of small

wireless facilities. The application must include an attestation that small wireless facilities will be collocated on the utility pole or structure and will be used by a wireless services provider to provide service within 9 months after the date the application is approved. The authority shall accept and process the application in accordance with subparagraph (d)6. and any applicable codes and other local codes governing the placement of utility poles in the public rights-of-way.

(k) This subsection does not limit a local government's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. s. 332(c)(7), the requirements for facility modifications under 47 U.S.C. s. 1455(a), or the National Historic Preservation Act of 1966, as amended, and the regulations adopted to implement such laws. An authority may enforce local codes, administrative rules, or regulations adopted by ordinance in effect on April 1, 2017, which are applicable to a historic area designated by the state or authority. An authority may enforce pending local ordinances, administrative rules, or regulations applicable to a historic area designated by the state if the intent to adopt such changes has been publicly declared on or before April 1, 2017. An authority may waive any ordinances or other requirements that are subject to this paragraph.

(l) This subsection does not authorize a person to collocate or attach wireless facilities, including any antenna, micro wireless facility, or small wireless facility, on a privately owned utility pole, a utility pole owned by an electric cooperative or a municipal electric utility, a privately owned wireless support structure, or other private property without the consent of the property owner.

(m) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this subsection does not authorize the provision of any voice, data, or video communications services or the installation, placement, maintenance, or operation of any communications facilities other than small wireless facilities in the right-of-way.

(n) This subsection does not affect provisions relating to pass-through providers in subsection (6).

(o) This subsection does not authorize a person to collocate or attach small wireless facilities or micro wireless facilities on a utility pole, unless otherwise permitted by federal law, or erect a wireless support structure in the right-of-way located within a retirement community that:

1. Is deed restricted as housing for older persons as defined in s. 760.29(4)(b);
2. Has more than 5,000 residents; and
3. Has underground utilities for electric transmission or distribution.

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This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities, provided that once aerial facilities are converted to underground facilities, any such collocation or construction shall be only as provided by the municipality's underground utilities ordinance.

(p) This subsection does not authorize a person to collocate or attach small wireless facilities or micro wireless facilities on a utility pole, unless otherwise permitted by federal law, or erect a wireless support structure in the right-of-way located within a municipality that:

1. Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;
2. Has a land area of less than 5 square miles;
3. Has fewer than 10,000 residents; and
4. Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.

This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities, provided that once aerial facilities are converted to underground facilities, any such collocation or construction shall be only as provided by the municipality's underground utilities ordinance.

(q) This subsection does not authorize a person to collocate small wireless facilities or micro wireless facilities on an authority utility pole or erect a wireless support structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association. This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities.

Section 2. This act shall take effect July 1, 2017.

Approved by the Governor June 23, 2017.

Filed in Office Secretary of State June 23, 2017.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, October 10, 2017, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider adoption of an ordinance entitled to wit:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 16, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "STREETS, ROADS AND PUBLIC WAYS"; RENAMING ARTICLE IV OF CHAPTER 16 AS "UTILITY PLACEMENT WITHIN THE PUBLIC RIGHTS-OF-WAY," AND AMENDING PROVISIONS THEREIN; ADDING A NEW ARTICLE V TO CHAPTER 16 TO BE ENTITLED "COMMUNICATIONS FACILITIES AND UTILITY POLES WITHIN THE PUBLIC RIGHTS-OF-WAY," TO INCLUDE DIVISION 1 "IN GENERAL," DIVISION 2 "AT-GRADE FACILITY, BELOW-GRADE FACILITY, WIRELINE FACILITY, AND UTILITY POLE STANDARDS," AND DIVISION 3 "WIRELESS FACILITY STANDARDS"; AMENDING SECTION 10-6.812, ENTITLED "COMMUNICATION ANTENNAS AND COMMUNICATION ANTENNA SUPPORT STRUCTURES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Copies of said ordinance may be inspected at the following locations during regular business hours:

Leon County Courthouse
301 S. Monroe St., 5th Floor Reception Desk
Tallahassee, FL 32301

and

Leon County Clerk's Office
315 S. Calhoun Street, Room 750
Tallahassee, Florida 32301

Advertise: September 28, 2017

Miscellaneous

OTHER AGENCIES AND ORGANIZATIONS

Leon County Attorney's Office

Leon County, Florida

The Board of County Commissioners of Leon County, Florida, gives notice of a proposed ordinance governing a telecommunications company placing or maintaining telecommunications facilities in its roads or rights-of-way.

DATE AND TIME OF PUBLIC HEARING: Tuesday, October 10, 2017, at 6:00 p.m., or as soon thereafter as such matter may be heard.

PLACE: County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida.

SUBJECT: An Ordinance of the Board of County Commissioners of Leon County, Florida, amending Chapter 16 of the Code of Laws of Leon County, Florida, entitled "Streets, Roads and Public Ways"; renaming Article IV of Chapter 16 as "Utility Placement Within the Public Rights-of-Way," and amending provisions therein; adding a new Article V to Chapter 16 to be entitled "Communications Facilities and Utility Poles Within the Public Rights-of-Way," to include Division 1 "In General," Division 2 "At-Grade Facility, Below-Grade Facility, Wireline Facility, and Utility Pole Standards," and Division 3 "Wireless Facility Standards"; amending Section 10-6.812, entitled "Communication Antennas and Communication Antenna Support Structures"; providing for severability; providing for conflicts; and providing an effective date.

A copy of the proposed ordinance may be inspected at the following locations during regular business hours:

Leon County Courthouse

301 S. Monroe St., 5th Floor Reception Desk

Tallahassee, FL 32301

Telephone: (850)606-5300

Leon County Clerk's Office

315 S. Calhoun Street, Room 750

Tallahassee, FL 32301

Telephone: (850)606-4020

**Leon County
Board of County Commissioners**

Notes for Agenda Item #11

Leon County Board of County Commissioners

Agenda Item #11

October 10, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator
Herbert W.A. Thiele, County Attorney

Title: First and Only Public Hearing to Consider an Ordinance Amending Chapter 14 (Property Safety and Maintenance) of the Leon County Code of Laws

Review and Approval:	Vincent S. Long, County Administrator Herbert W.A. Thiele, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator David McDevitt, Director of Development Support and Environmental Management
Lead Staff/ Project Team:	Jessica M. Icerman, Assistant County Attorney Emma Smith, Director of Permit and Code Services

Statement of Issue:

This agenda item requests the Board conduct the first and only public hearing to consider a proposed Ordinance to amend Chapter 14 (Property Safety and Maintenance) of the Leon County Code of Laws pertaining to abatement of overgrowth on abandoned properties.

Fiscal Impact:

Nuisance abatement has been budgeted and adequate funding is available. In FY 2017, the budget included \$50,000 to fund nuisance abatement. This funding level was maintained in FY 2018.

Staff Recommendation:

Option #1: Conduct first and only public hearing and adopt Ordinance (Attachment #1) amending Chapter 14 (Property Safety and Maintenance) of the Code of Laws of Leon County, Florida.

Report and Discussion

Background:

At the September 26, 2017 meeting, the Board approved the scheduling of a public hearing to consider an Ordinance (Attachment #1) that will add to the purview of the Nuisance Abatement Board those cases that have an order from the Code Enforcement Board finding a violation of Code Section 14-41, which pertains to the overgrowth of weeds, grasses, shrubs, bushes, and/or underbrush on residentially-zoned property.

By way of additional background, in March of this year the Board adopted Ordinance No. 17-04, which, among other provisions, substantially rewrote and reorganized Chapter 14 of the Code of Laws of Leon County, and renamed the chapter to “Property Safety and Maintenance.” Notably, Ordinance No. 17-04 created Article V, entitled Nuisance Abatement, which created the Nuisance Abatement Board. The function of the Nuisance Abatement Board is to consider those cases that have an order from the Code Enforcement Board finding a violation of Code Sections 14-21 (dilapidated structures), 14-31 (junk, litter, or junked or abandoned vehicles), or 5-314 (unsafe buildings), and which remain in violation of the Code. If the Nuisance Abatement Board determines that the code violation presents a serious and continuing danger to the public and/or its occupants, the Nuisance Abatement Board may order the abatement of the violation.

Analysis:

The primary purpose of the proposed Ordinance is to add to the purview of the Nuisance Abatement Board those cases that have an order from the Code Enforcement Board finding a violation of Code Section 14-41, which pertains to the overgrowth of weeds, grasses, shrubs, bushes, and/or underbrush on residentially-zoned property. The proposed Ordinance will amend Articles IV (Lot Mowing) and V (Nuisance Abatement) of Chapter 14 of the Code to allow the Nuisance Abatement Board to review those cases that involve a violation of Section 14-41 (overgrowth) on residentially-zoned property that is vacant or abandoned. If the Nuisance Abatement Board determines that the overgrowth at the vacant or abandoned property presents a serious and continuing danger to the public, the Nuisance Abatement Board may order the abatement of the violation by the County. The abatement would typically consist of mowing and/or cutting the overgrowth.

The proposed Ordinance will also amend the definition of “overgrowth” in Article I of Chapter 14 of the Code and provide amendments of an editorial nature to Articles I through V of Chapter 14 of the Code. Additions to the provisions of Chapter 14 are indicated in the attached Ordinance as text that has been underlined, and deletions to same are indicated as text that has been stricken through.

The Notice of Public Hearing (Attachment #2) was timely published in accordance with Section 125.66, Florida Statutes.

Options:

1. Conduct first and only public hearing and adopt Ordinance (Attachment #1) amending Chapter 14 (Property Safety and Maintenance) of the Code of Laws of Leon County, Florida.
2. Conduct first and only public hearing and do not adopt Ordinance amending Chapter 14 (Property Safety and Maintenance) of the Code of Laws of Leon County, Florida.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Proposed Ordinance
2. Notice of Public Hearing

ORDINANCE NO. 17-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED PROPERTY SAFETY AND MAINTENANCE, INCLUDING AMENDMENTS TO PROVISIONS RELATING TO LOT MOWING AND NUISANCE ABATEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR LEON COUNTY, FLORIDA, that:

SECTION 1. Chapter 14 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 14-1. Title.

The provisions of this chapter shall constitute and may be cited as the “Leon County Property Safety and Maintenance Code.”

Sec. 14-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Abandoned property shall mean all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels as defined in section 823.11, F.S.

Abate or abatement means the cessation or removal of a nuisance, including but not limited to demolishing, removing or securing a ~~building or dilapidated structure~~, removing junk, or mowing or cutting of overgrowth.

Building shall mean any structure, either temporary or permanent, built for the support, shelter, or enclosure of persons, chattels, or property of any kind. The term “Building” shall include tents, trailers, or mobile homes serving in any way the function of a building. The term “building” shall be construed as if followed by the words “or part thereof.”

Code enforcement board shall mean the Leon County Code Enforcement Board created by article II of chapter 6, Leon County Code of Laws.

1 *Code inspector* shall mean those authorized agents or employees of the county whose duty it
2 is to ensure code compliance with the technical codes included within this chapter.

3
4 *Construction and demolition debris disposal* shall mean the practice of using a site for the
5 permanent disposal from construction and/or demolition activities. The materials may be from
6 on-site or off-site activities.

7
8 *Dilapidated structure* shall mean any building which exhibits structural defects, whether or
9 not such structural defects are manmade, as a result of the failure to make necessary repairs or as
10 a result of deterioration or decay, such that said building threatens the public health, safety, or
11 welfare.

12
13 *Environmental constraints* shall mean environmental features which perform natural
14 functions, have ecological value, or constitute special environmental management problems to
15 site development, including wetlands, water bodies, watercourses, floodways, floodplains, closed
16 basins, severe and significant grades, threatened, endangered, or special concern species or their
17 habitat, native or high quality successional forest communities, cultural resources, special
18 development zones, and karst features.

19
20 *Junk* shall mean any junked or abandoned motor vehicle or parts thereof; any real property,
21 fixture, personal property or other article having only nominal or salvage value which has been
22 left unprotected from the elements; combustible and noncombustible waste materials of any kind
23 or character; trash, debris, waste, litter, or refuse; and any other discarded or abandoned
24 personalty, including, but not limited to, iceboxes, refrigerators, deep-freeze lockers, clothes
25 washers, clothes dryers, stoves, and household furniture and furnishings. The term does not
26 include reasonable natural debris accumulations in wooded areas or on lawns, such as shrubbery
27 and lawn clippings, leaves and compost piles for normal, personal, noncommercial use.

28
29 *Junked or abandoned motor vehicle* shall mean a motor vehicle that is a self-propelled
30 vehicle that is not a bicycle, motorized scooter, electric personal assistive mobility device,
31 swamp buggy, racecar, moped, or vehicle operated upon rails or guideway, and meets any of the
32 following conditions:

- 33 (1) It does not have a license tag for the current year;
34
35 (2) Any part, equipment or piece thereof necessary for its operation is and remains
36 removed therefrom for a period of at least 15 days;
37
38 (3) It is on the property of another without written permission of the owner of such
39 property or premises;
40
41 (4) It is on property contrary to or in violation of any zoning law, regulation or
42 ordinance;
43

- 1 (5) It is found at any location in the county and the owner or any person having
2 custody or possession thereof cannot, after reasonable search and inquiry, be
3 found or located;
4
- 5 (6) It is located in close proximity to a parcel of land with other junked or abandoned
6 vehicles, and is not under the control or supervision of some person whose
7 whereabouts can be ascertained upon reasonable search and inquiry; or
8
- 9 (7) For any other reason the motor vehicle appears, after reasonable inquiry and
10 investigation, to be junked or abandoned.
11

12 *Law enforcement officer* shall mean any officer of the Florida Department of Law
13 Enforcement, Florida Highway Patrol, county sheriff's department, municipal law enforcement
14 departments, law enforcement department of any other political subdivision, law enforcement
15 department of any college or university, department of natural resources, game and fresh water
16 fish commission and any other officer sworn to uphold the law and having jurisdiction in the
17 county.
18

19 *Litter* shall mean all waste materials, including, but not limited to, garbage, bottles, glass,
20 crockery, cans, scrap metal, paper, plastic, rubber, waste building materials, and disposable
21 packages or containers, and animal and vegetable waste resulting from the handling, preparation,
22 cooking and consumption of food.
23

24 *Litter receptacle* shall mean a container with a capacity of not less than ten gallons,
25 constructed and placed for use as a depository for litter.
26

27 *Lot* means a designated parcel, tract, or area of land established by plat, subdivision, or as
28 otherwise permitted by law, to be used, developed, or built upon as a unit, but excluding areas
29 designated for open spaces, whether or not these areas are designated as lots on the plat.
30

31 *Occupant* shall mean any person holding a written or oral lease of, or occupying the whole
32 or part of, the premises.
33

34 *Open-pit mining* shall mean the method of removing rock, sand, or other minerals by
35 removal from an open pit, borrow pit, actual pit, or other manmade depression from which
36 material is being extracted in the course of an open-pit mining operation.
37

38 *Overgrowth* means any herbaceous or woody plant life, including weeds, grasses, shrubs,
39 bushes, and underbrush, and shrubbery which is not being cultivated for ornamental purposes or
40 intentionally designed as native landscape, which vegetation is more than 18 inches tall and is
41 located in any residentially zoned district in the county.
42

43 *Owner* shall mean the person(s) or entity(ies) holding fee simple title to a parcel, building, or
44 structure.

1
2 *Parcel* shall mean real property in the county, which has a single property certification
3 number assigned to it by the property appraiser of the county.

4 *Premises* shall mean a lot, plot, tract, parcel of land, or other real estate, including the
5 buildings and structures thereon which, because of its unity of use, may be regarded as the
6 smallest conveyable unit of real estate.

7
8 *Private property* shall mean property owned by any person, including but not limited to
9 yards, grounds, driveways, entrances or passageways, parking areas, storage areas, bodies of
10 water, vacant land and recreation facilities, that is not public property.

11
12 *Public property* shall mean lands and improvements owned by the Federal Government, the
13 state, the county, a municipality, or special district and includes sovereignty submerged lands
14 located adjacent thereto, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways,
15 rights-of-way, and other similar property.

16
17 **Sec. 14-3. Scope; conflict with other regulations.**

18
19 (a) The provisions of this chapter shall apply equally to new and existing conditions. Should
20 a provision of any zoning, building, health, fire, or safety regulation of the county be in conflict
21 with a provision of this chapter, the provision which establishes the higher standard for the
22 promotion and protection of the public health and safety shall prevail.

23
24 (b) This chapter shall not restrict the right of any person to proceed by other means as
25 provided by law against the owner of any property under enforcement action.

26
27 **Sec. 14-4. Applicability.**

28
29 The provisions of this chapter shall be applicable throughout the unincorporated area of
30 the county, unless otherwise stated.

31
32 **Sec. 14-5. Enforcement.**

33
34 The provisions of this chapter shall be enforced by the code enforcement board pursuant
35 to the enforcement procedures outlined in chapter 6, unless otherwise stated. However, nothing
36 in this chapter shall prevent the county from pursuing a cause of action under ch. 823, F.S. or
37 other causes of action as permitted by state and federal law.

38
39 **Sec. 14-6. Inspection of lands.**

40
41 The code inspector shall, as often as may be necessary, inspect land within the county to
42 determine if a violation of this chapter exists.

43
44 **Sec. 14-7. Repeat invalid complaints.**

1 (a) It is found and determined that the county has limited staff and resources and, therefore,
2 cannot investigate properties that have received multiple complaints that have been determined
3 to be invalid by the code inspector or code enforcement board.

4
5 (b) It shall be unlawful for any person to willfully and knowingly provide false or misleading
6 information to Code Enforcement on matters pertaining to the enforcement of this chapter.

7
8 (c) The county may not investigate a complaint for six months if the county has received two
9 complaints within one year determined to be invalid by the code inspector or code enforcement
10 board regarding the same property without a change in ownership of said property.

11
12 **Sec. 14-8. Regulation of open-pit mining and construction and demolition debris disposal**
13 **operations.**

14
15 All areas proposed for use, currently used, or previously used for open-pit mining operations
16 and/or construction and demolition debris disposal must be secured by a fence. The fence must
17 be a least four feet in height with openings that will reject the passage of a seven-inch diameter
18 sphere. The fence must be equipped with a gate which shall remain locked when workers or
19 employees of the land owner or mining company are not present at the site. At every gate or
20 access point, at least one sign must be posted which states, in at least four-inch tall letters,
21 "Danger," "Keep Out," "No Trespassing," or similar language to indicate that there may be
22 hazardous conditions on the premises. The requirements of this section shall not apply to those
23 areas determined by the county administrator or designee to have been reclaimed wherein no
24 slope exceed a grade of greater than four to one horizontal run to vertical rise.

25
26 **ARTICLE II. DILAPIDATED STRUCTURES**
27

28 **Sec. 14-20. Findings of fact and intent.**
29

30 Dilapidated structures are a blighting factor which deteriorates property and can cause the
31 property to become a threat to public health, safety and welfare. Dilapidated structures can also
32 depreciate the value of the property and the value of the adjacent and surrounding properties. The
33 Board of County Commissioners finds that dilapidated structures are a public nuisance. It is the
34 intent of this article to provide for the prohibition of dilapidated structures as herein set forth.
35 The Board of County Commissioners further authorizes the use of any and all means, including
36 the use of county funds, to abate dilapidated structures should the dilapidated structure threaten
37 public health, safety or welfare.

38
39 **Sec. 14-21. Prohibited conditions.**
40

41 Dilapidated structures, including real property, personal property or fixtures, on any lot or
42 parcel of land, or other real property in the county, whether improved or unimproved, constitute
43 a public nuisance and are prohibited, and every owner of real property in the county has a duty to
44 keep his or her property free of any nuisance at his or her expense.
45

1 **Sec. 14-22. Enforcement.**
2

3 The provisions of this article shall be enforced by the code enforcement board pursuant to
4 the enforcement procedures outlined in chapter 6. If an owner fails to comply with an order of
5 the code enforcement board requiring compliance with section 14-21, the county may, in
6 addition to any further action taken by the code enforcement board as to the noncompliance,
7 cause the dilapidated structure to be abated as provided in article V.
8

9 **ARTICLE III. JUNK**
10

11 **Sec. 14-30. Findings of fact and intent.**
12

13 It is found and determined that a large amount of junk has and is accumulated in the
14 county and that accumulations of junk constitute a menace to the public health, safety and
15 welfare of the citizens of the county and mar and detract from the natural beauty of the county.
16 The intent of this article is to alleviate this menace by providing for the prohibition of junk as
17 herein set forth. The Board of County Commissioners authorizes the use of any and all means,
18 including the use of county funds, to abate junk should the junk threaten public health, safety or
19 welfare.
20

21 **Sec. 14-31. Prohibited conditions.**
22

23 (a) No owner or occupant shall cause or permit junk, litter, or junked or abandoned motor
24 vehicles to remain in or upon any yard, garden, lawn, open outbuilding or open area of any
25 private property in the county for a period in excess of 15 days, other than in an enclosed litter
26 receptacle or in connection with a business enterprise or activity, lawfully situated and zoned,
27 and possessing a license or permit to store such junk upon its premises.
28

29 (b) No person shall drop, deposit, discard or otherwise dispose of any abandoned property in
30 or upon any public property in the county, except in litter receptacles or in an area lawfully
31 established and maintained as a garbage or waste disposal site, sanitary landfill or junkyard. Any
32 article of abandoned property bearing a person's name or address or registered in a person's
33 name, found on public property in a place other than as authorized, shall be presumed to be the
34 property of such person and it shall be presumed that such person placed or caused to be placed
35 such article of abandoned property where found. When a violation of this section is observed by
36 any person, and the abandoned property is dumped or disposed of on public property has been
37 ejected from a vehicle, the owner or operator of such vehicle shall be presumed to be the person
38 who ejected such abandoned property. These presumptions shall be rebuttable by presentation of
39 competent evidence to the contrary.
40

41 **Sec. 14-32. Enforcement.**
42

43 (a) Section 14-31(a) shall be enforced by the code enforcement board pursuant to the
44 enforcement procedures outlined in chapter 6.
45

(1) If an owner fails to comply with an order of the code enforcement board requiring compliance with this article, the county may, in addition to any further action taken by the code enforcement board as to the noncompliance, cause the junk to be abated as provided in article V.

(b) Section 14-31(b) shall be enforced by law enforcement officers.

(1) Any person who violates the provisions of section 14-31(b) is guilty of an offense and shall be punished as provided in section 1-9 and as provided in section 705.103, F.S., as amended.

(c) In the event that an abandoned property is found upon public property in violation of this article, then a law enforcement officer may cause a notice to be placed upon the abandoned property in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to-wit: (set forth brief description), is unlawfully upon this property (set forth brief description of location) in violation of Chapter 14, Code of Laws, Leon County, Florida and must be removed within five (5) days from the date of this notice; otherwise it shall be subject to removal and disposal pursuant to Chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, publication of notice, and disposal. Dated this:

_____/_____/_____.

Signed: _____

LAW ENFORCEMENT OFFICER (set forth name, title, address and telephone number of law enforcement officer)

Such notice shall be not less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the law enforcement officer, he or she shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle or a vessel, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel. Upon receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any.

If at the end of the period specified in the notice, the abandoned property has not been removed, then the law enforcement officer may cause the abandoned property to be removed as provided in chapter 705, F.S.

(d) Any person may seek an injunction against any violation of this article and recover such damages as he or she may suffer, including, but not limited to, the cost of removal of any abandoned property.

ARTICLE IV. LOT MOWING

Sec. 14-40. Findings of fact and intent.

It is hereby found and determined by the Board of County Commissioners that the overgrowth of weeds, grasses, ~~shrubs~~^{bery}, bushes, and/or underbrush, and noxious materials of any kind tend to be breeding places or havens for snakes and vermin of all kinds and character, or tend to be breeding places for mosquitoes, or tend to create a fire hazard and endanger the lives and property of the citizens of the county, or tend to create a nuisance or other unsightly or unsanitary condition that can threaten the public health, safety and welfare. It is the intent of this article to provide for the prohibition of the excessive accumulation of overgrowth ~~weeds, grasses and shrubbery~~ as herein set forth.

Sec. 14-41. Prohibited conditions.

The ~~excessive accumulation~~ overgrowth of weeds, grasses, ~~shrubs~~, bushes, and/or underbrush, ~~and shrubbery, which is not being cultivated for ornamental purposes or intentionally designed as native landscape, except for intentionally designed native landscapes,~~ upon any lot or parcel of land improved or unimproved within the unincorporated areas of the county for any zoning district that permits residential development, which exceeds 18 inches in height, to the extent that such portion of the lot or parcel of land is or may reasonably become infested or inhabited by rats or other vermin, or may furnish a breeding place for mosquitoes, or may reasonably cause disease or create a fire hazard, is declared to be a public nuisance and is hereby prohibited.

Sec. 14-42. Applicability.

This article shall not be construed to require mowing, clearing or other maintenance of lots, or portions of lots, encumbered by a conservation easement, or where mowing, clearing or other maintenance conflicts with the requirements of a special development zone, buffer zone, or environmental constraints.

Sec. 14-43. Enforcement.

The provisions of this article shall be enforced by the code enforcement board pursuant to the enforcement procedures outlined in chapter 6. If an owner fails to comply with an order of the code enforcement board requiring compliance with section 14-41, the county may, in addition to any further action taken by the code enforcement board as to the noncompliance, cause the prohibited conditions to be abated as provided in article V.

ARTICLE V. NUISANCE ABATEMENT

Sec. 14-50. Purpose and intent.

It is the intent of this article to promote, protect, and improve the health, safety, and welfare of the citizens of Leon County by creating an administrative board with the authority to

determine whether a building or premises presents a serious and continuing danger to the public and/or occupants and enter an order allowing said nuisance to be abated by the county.

Sec. 14-51. Nuisance Abatement Board.

(a) *Creation.* Members of the code enforcement board are hereby designated and established as the members of the nuisance abatement board. The terms of office of the members of the nuisance abatement board shall coincide with the terms of office of the code enforcement board. The chair and vice-chair of the code enforcement board shall serve as chair and vice-chair of the nuisance abatement board, respectively.

(b) *Organization and compensation.* Four or more members of the nuisance abatement board present at any meeting shall constitute a quorum in order for the nuisance abatement board to conduct business. Members of the nuisance abatement board shall serve without compensation. The county administrator shall provide clerical and administrative personnel as may be required to assist the nuisance abatement board in the proper performance of its duties.

(c) *Function.* The nuisance abatement board may consider cases that have an order from the code enforcement board finding a violation of sections 14-21, 14-31, 14-41, or 5-314 and remain in violation of the code enforcement board's order; ~~to determine whether or not a building or premises presents a serious and continuing danger to the public and/or occupants.~~

(1) The county may abate violations of sections 14-21, 14-31, or 5-314 if the nuisance abatement board determines that a building or premises presents a serious and continuing danger to the public and/or occupants. A building or premises presents a serious and continuing danger to the public and/or occupants when it is not safe. Factors evidencing a determination that a property is not safe may include, but are not limited to: unsecured or unsecurable dangerous conditions; a history demonstrating the property owner's failure to exercise reasonable control over the property, to keep it secure or safe; a history showing that the property has become an attractive nuisance to children or transients; a history showing a proliferation of criminal activity due to dilapidated conditions and lack of management and control over the premises; a history showing that notwithstanding the reasonable efforts of code compliance staff and/or the code enforcement board, the property remains in a condition which is dangerous to the public health, safety and welfare.

(2) The county may abate violations of section 14-41 if the premises upon which the overgrowth exists is determined to be abandoned, and the nuisance abatement board determines that the prohibited conditions at the premises present a serious and continuing danger to the public as set forth in section 14-40. For the purposes of this subsection, the term *abandoned* means any premises that is not lawfully occupied or inhabited as evidenced by non-homestead status; overgrown and/or dead vegetation; nonpayment of taxes; electricity, water or other utilities turned off or otherwise non-operational; stagnant swimming pool; statements by

neighbors, passers-by, delivery agents or government agents; or other conditions which would indicate that the property is not lawfully inhabited.

- (32) The burden is on the county to show by preponderance of the evidence that the building, ~~or premises, or overgrowth~~ presents a serious and continuing danger to the public and/or occupants.

(d) *Powers.* The nuisance abatement board shall have the power to:

- (1) Adopt rules for the conduct of the hearings it holds pursuant to section 14-52.
- (2) Notice and/or subpoena alleged violators and witnesses to its hearings.
- (3) Take testimony under oath.
- (4) Issue orders following a hearing, which orders shall have the force of law, including ordering the demolition of the dilapidated structure; or the repair of the ~~dilapidated structure~~ building to render the ~~dilapidated structure~~ it safe, ~~or the removal of junk, litter, or junked or abandoned motor vehicles from the premises, or the mowing or cutting of overgrowth on the premises,~~ should compliance not be achieved within the allotted time.

Sec. 14-52. Notice and hearing procedure.

(a) *Notice.* If a code inspector determines that a ~~building property~~ or premises previously found to be in violation of sections 14-21, 14-31, 14-41, or 5-314 by the code enforcement board remains in violation and believes it to present a serious and continuing danger to the public and/or occupants of the building, the code inspector shall notify the violator of the public nuisance and provide him or her a reasonable time to abate the public nuisance. Should the violation continue beyond the reasonable time specified for abatement, the code inspector shall notify the nuisance abatement board and request a hearing. The nuisance abatement board, through its clerical staff, shall schedule a hearing, and notice of such hearing shall be as provided in section 6-36.

- (1) Notice of the public nuisance shall be provided to the owner and occupant and shall include:
 - a. A description of the public nuisance and the steps needed to be performed to abate the public nuisance;
 - b. A reasonable time for the violator to abate the public nuisance;
 - c. That upon failure to abate the public nuisance as specified in the notice, the case may be referred to the nuisance abatement board for a hearing pursuant to article V of chapter 14;

- 1 d. That the county may take all necessary steps to abate the public nuisance,
2 including but not limited to the demolition of a ~~building~~ dilapidated
3 structure or the repair of the building to render it safe, or the removal of
4 junk, litter, or junked or abandoned motor vehicles from the premises, or
5 the mowing or cutting of overgrowth at the premises;
6
7 e. That the cost of any abatement action by the county will be imposed as a
8 lien on the subject property and said lien may be subject to foreclosure.
9
10 (2) Notice of the nuisance abatement board hearing shall be provided to the owner
11 and occupant and shall include:
12
13 a. That the county may take all necessary steps to abate the public
14 nuisance, including but not limited to the demolition of a ~~building~~
15 dilapidated structure or the repair of the building to render it safe, or the
16 removal of junk, litter, or junked or abandoned motor vehicles, or the
17 mowing or cutting of overgrowth;
18
19 b. That the nuisance abatement board has the power to order the
20 property to be vacated.
21
22 (3) If the County is seeking to demolish the public nuisance, such notice of the
23 nuisance abatement board hearing shall be served not only upon the property
24 owner(s) of record, but shall also be served upon mortgage holders and
25 lienholders of record.
26
27 (b) *Hearing Procedure.*
28
29 (1) The chairman of the nuisance abatement board may call nuisance abatement
30 board hearings and such hearings may also be called by a written notice signed by
31 three members of the nuisance abatement board. The nuisance abatement board
32 may at any hearing set a future hearing date.
33
34 (2) The nuisance abatement board shall convene as often as demand dictates.
35
36 (3) Minutes shall be kept of all hearings held by the nuisance abatement board and all
37 such hearings shall be open to the public.
38
39 (4) Each case before the nuisance abatement board shall be presented by a
40 representative of the county.
41
42 (5) The county will provide counsel to the nuisance abatement board, and in no case
43 shall the county attorney's staff present a case and represent the nuisance
44 abatement board in the same case. The attorney representing the code
45 enforcement board shall represent the nuisance abatement board.
46

- 1 (6) All cases scheduled for a particular day shall be heard. All testimony shall be
2 under oath and shall be recorded. The nuisance abatement board shall take
3 testimony from the code inspector, the alleged violator and any other person
4 familiar with the case and/or property or having knowledge about the case and/or
5 property. The nuisance abatement board shall not be bound by any formal rules of
6 evidence; however, it shall act to ensure fundamental due process in each case
7 brought before the nuisance abatement board.
8
- 9 (7) At the conclusion of the hearing, the nuisance abatement board shall issue
10 findings of fact based on evidence of record and conclusions of law, and shall
11 issue an order affording the proper relief consistent with powers granted herein.
12 The finding shall be by motion approved by a majority of those members present
13 and voting, except that at least four members of the seven-member nuisance
14 abatement board must vote in order for the action to be official. The order shall
15 indicate that it must be complied with by a specified date and, if the order is not
16 complied with by such date, that the nuisance may be abated by the county and a
17 lien may be imposed for the cost of the abatement pursuant to section 14-54.
18
- 19 (8) A certified copy of such order may be recorded in the public records of the county
20 and shall constitute notice to any subsequent purchasers, successors in interest, or
21 assigns, and the findings therein shall be binding upon the violator and, any
22 subsequent purchasers, successors in interest, or assigns. If an order is recorded in
23 the public records pursuant to this subsection and the order is complied with by
24 the date specified in the order, the nuisance abatement board shall issue an order
25 acknowledging compliance that shall be recorded in the public records. A hearing
26 is not required to issue such an order acknowledging compliance.
27
- 28 (9) In the event the owner fails to comply with the time set forth in the order issued
29 by the nuisance abatement board, the county may take such action as authorized
30 by the nuisance abatement board. A second hearing is not required if the code
31 inspector files an affidavit of non-compliance with the nuisance abatement board
32 affirming that the order was not complied with by the specified date.
33
- 34 (c) *Extension of time.* The nuisance abatement board may grant an extension of time to
35 comply with the order if the owner has in good faith begun to comply with the order within the
36 time set forth in the order. A request for an extension of time shall be in writing and shall state
37 the reasons the owner has been unable to fully comply. The owner requesting the extension of
38 time must be present at the nuisance abatement board meeting considering the extension. Failure
39 to appear at the nuisance abatement board meeting may constitute forfeiture of the request for
40 extension of time. Extensions of time shall total no more than one year from the date of the
41 order.
42

43 **Sec. 14-53. Procedure for vacating buildings or premises.**
44

1 (a) *Procedure.* Notice to vacate a building or premises declared to be a serious and
2 continuing danger to the public and/or occupants shall be in accordance with section 6-36. The
3 property shall be kept posted with the notice to vacate until the property is rendered safe.
4

5 (b) *Penalty.* Any person who fails to abide by the notice to vacate or tampers with the posted
6 notice to vacate shall be punished as provided in section 1-9.
7

8 **Sec. 14-54. Abatement by county.**
9

10 (a) The county and/or agents or contractors hired by the county shall be authorized to enter
11 the subject property for the purpose of inspecting and abating the nuisance.
12

13 (b) In the event the owner fails to comply with the order issued pursuant to section 14-51
14 within the time fixed therein, the county, through the county administrator or designee and/or
15 agents or contractors hired by the county administrator or designee, is authorized to abate the
16 conditions at the expense of the property owner.
17

18 (c) Upon having the nuisance abated, the county shall mail, by certified mail, return receipt
19 requested, to the owner a notice of the cost of abating the conditions. If payment is not received
20 within 30 days after the mailing of the notice of assessment for the work together with all costs
21 of inspection and administration, the county may file a lien against the property for the actual
22 cost of the work, inspection and administration costs, interest, plus reasonable attorney's fee, and
23 other costs of collecting the sums. Nothing herein shall be construed to prevent the county from
24 exercising its discretion to increase or decrease charges based on costs considerations, or
25 utilizing means other than that contemplated in the notice provided for in this article, to abate the
26 conditions violative of this article.
27

28 (d) The lien shall be recorded in the public records and thereafter shall constitute a lien
29 against the land on which the public nuisance existed. A lien arising from a fine imposed
30 pursuant to this article runs in favor of the county, and the county may execute a satisfaction or
31 release of lien entered pursuant to this section. The county attorney may foreclose on any lien
32 that remains unpaid or to sue to recover a money judgment for the amount of the lien plus
33 accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real
34 property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment
35 provisions of this section shall not apply to real property or personal property which is covered
36 under s. 4(a), Art. X of the State Constitution.
37

38 (e) Making such repairs or abatement does not create a continuing obligation on the part of
39 the county to make further repairs, abate, or to maintain the property and does not create any
40 liability against the county for any damages to the property if such repairs or abatement were
41 completed in good faith.
42

43 **Sec. 14-55. Emergency situations.**
44

45 (a) If a public nuisance presents imminent peril to the public health or general welfare or
46 immediate danger to the life or safety of any person, unless the public nuisance is immediately

1 rendered safe or demolished, the county administrator or designee may cause such building to be
2 made safe or demolished, ~~or such junk, litter, or junked or abandoned motor vehicles to be~~
3 removed, or overgrowth to be mowed or cut, prior to a hearing before the nuisance abatement
4 board.

5
6 (b) For this purpose, the county administrator or designee and building official may at once
7 enter such building or land to perform an inspection. Upon inspection, the county administrator
8 or designee and building official shall determine if the building requires immediate demolition or
9 repair in order to maintain the safety and welfare of the owner, occupant, or public. A written
10 report will document the results of the inspection and include photographs documenting the
11 public nuisance when feasible.

12
13 (c) If the county administrator or designee determines there is sufficient time prior to
14 demolition or repair action, a notice of intent to demolish or repair will be provided by certified
15 mail, return receipt requested, hand delivery, or telephone to the owner and occupant. The county
16 shall also notify any lienholders. Failure to perfect personal notice upon the owner, occupant, or
17 lienholder shall not prevent the county from performing the emergency demolition, repairs, ~~or~~
18 mowing, or removal, and assessing a lien on the property.

19
20 (d) All costs incurred during the inspection, vacation, securing and emergency demolitions,
21 repairs, or removal are the responsibility of the property owner and shall constitute a lien on the
22 property as set forth in section 14-54.

23
24 (e) The owner, occupant, or other interested parties may request a hearing with the nuisance
25 abatement board in writing if the abatement action has not already occurred. ~~building has not~~
26 ~~already been demolished or repaired or the junk has not already been removed.~~ The written
27 notice for the request must include the requestor's contact information, including cellular phone
28 number and electronic mail address. The hearing will be scheduled as soon as possible. Notice of
29 the hearing will be mailed to the owner, occupant, and any other interested parties at least five
30 days prior to the hearing.

31
32 (f) If no notice was sent prior to the abatement of the public nuisance, the nuisance
33 abatement board shall hear the case within a reasonable period of time. Notice advising of the
34 county's actions and the nuisance abatement board hearing shall be sent to the owner and
35 lienholder, if any, of the property pursuant to section 6-36.

36
37 **Sec. 14-56. Appeals.**
38

39 (a) An aggrieved party and/or the county may appeal a final administrative order of the
40 nuisance abatement board to the circuit court by writ of certiorari. An appeal shall be filed within
41 15 days of the entry of the order to be appealed. As used in this section, "aggrieved party" means
42 a person who possesses a present legal right of present or future enjoyment of the property by
43 virtue of a deed, title, mortgage, fully executed contract for purchase, lien on estate in the
44 property, judgment of court, being named a beneficiary in a will or trust of a deceased owner or
45 the legal spouse of the property owner.

(b) The filing of an appeal stays the order of the nuisance abatement board until the appeal is resolved unless the building or premises presents imminent peril to the public health or general welfare or presents immediate danger to the life or safety of any person.

* * *

SECTION 3. Severability. If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 4. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

SECTION 5. Effective Date. This ordinance shall have effect according to law.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida this _____ day of _____, 2017.

LEON COUNTY, FLORIDA

By: _____
John E. Dailey, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall, Clerk of Court
& Comptroller
Leon County, Florida

By: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

By: _____
Herbert W. A. Thiele, Esq.
County Attorney

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, October 10, 2017, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider adoption of an ordinance entitled to wit:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED PROPERTY SAFETY AND MAINTENANCE, INCLUDING AMENDMENTS TO PROVISIONS RELATING TO LOT MOWING AND NUISANCE ABATEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Copies of said ordinance may be inspected at the following locations during regular business hours:

Leon County Courthouse
301 S. Monroe St., 5th Floor Reception Desk
Tallahassee, FL 32301

and

Leon County Clerk's Office
315 S. Calhoun Street, Room 750
Tallahassee, Florida 32301

Advertise: September 30, 2017